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ABSTRACT

H.R. 3216, the Children's Television Act of 1985--a bill to amend the Communications Act of 1934 to increase the availability of educational and informational television programs for children, deals with establishing a quantifiable children's programming guideline. This bill would establish substantial burdens under the license renewal process for broadcasters who fail to provide a minimum of 7 hours per week of educational programming for children, at least 5 of which must air Monday through Friday. Testimonies given at the hearings for H.R. 3216 address such concerns as the programming needs of children; the efforts broadcasters are currently making to meet these needs; the adequacy of the efforts to meet the programming needs; and whether the proposed standards would improve programming for children. Testimony was given by the following agencies and corporations: (1) Belo Broadcasting Corporation, (2) Texas State Teachers Association, (3) Washington Center for Public Policy Research, (3) American Psychological Association, (4) American Electronics Association, (5) Association of Independent Television Stations, (6) WTTG-TV in Washington, D.C., (7) Mission: American Youth, (8) Dallas County PTA, (9) University of Houston School of Communications, (10) Action for Chidren's Television, (11) Television Information Office, (12) Texas Children's Hospital, (13) Purdue University School of Communications, (14) Columbia University Gannett Center for Media Studies, (15) Telepictures Corporation, (16) Toy Manufacturers of America, and (17) Dallas County Federation of Teachers. (HOD)

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CHILDREN'S TELEVISION PROGRAMMING

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON TELECOMMUNICATIONS,
CONSUMER PROTECTION, AND FINANCE

OF THE

COMMITTEE ON ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 3216

A BILL TO AMEND THE COMMUNICATIONS ACT OF 1934 TO INCREASE THE AVAILABILITY OF EDUCATIONAL AND INFORMATIONAL TELEVISION PROGRAMS FOR CHILDREN

OCTOBER 25, 1985—DALLAS, TX
OCTOBER 28, 1985—HOUSTON, TX

Serial No. 99-66

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IMPROVING CHILDREN'S TELEVISION PROGRAMMING CONTENT

FRIDAY, OCTOBER 25, 1985

House of Representatives,
Committee on Energy and Commerce,
Subcommittee on Telecommunications,
Consumer Protection, and Finance,
Dallas, TX.

The subcommittee met, pursuant to call, at 9:35 a.m., Dallas City Hall, 1400 Marilla Street, Dallas, TX, Hon. John Bryant, presiding; Hon. Timothy Wirth, chairman.

Mr. **Bryant**. The Subcommittee on Telecommunications, Consumer Protection, and Finance of the Energy and Commerce Committee of the U.S. House of Representatives will come to order.

The Chair wishes to welcome all of those who have come to participate in the hearing as witnesses or to observe the process by which we begin taking testimony on very important legislation related to children's television programming in America.

Two nights ago in Chicago, awards were presented at the American Children's Television Festival for some of the finest examples of children's programming found on commercial, public, and cable television. The festival, which hopes to become an annual event to recognize and promote excellence in children's programming, provides clear testimony that television can serve the needs of children, and serve them well.

But while I wish to applaud the efforts of those who are providing our Nation's 33 million children with the type of programming which will enhance their lives, which will make them more aware of the world around them, which will challenge their minds and help them to grow, I cannot help being dismayed that this type of quality programming is today the exception rather than the rule.

And that, in fact, is the issue that has brought us all here today for this hearing.

Television is a powerful force in our society and that power is all the more influential on our children who spend an extraordinary number of hours in front of the TV screen. It is well documented that by the time the average child graduates from high school, he or she has spent more time watching television—some 15,000 to 20,000 hours—than in the classroom.

Neither I nor my colleagues in Congress expect the television industry to fulfill the educational responsibilities assigned to the schools, but even in this era of governmental deregulation, broadcasters must not forget that, by virtue of their acceptance of a television broadcast license, they have agreed to an array of public trust responsibilities. Among those responsibilities, none is more important than meeting the needs of the child audience by providing an adequate level of programming for children.

From my perspective, the root of the problem in this area—that is, the reason why there is so little worthwhile children's programming presented today—can be traced directly to the actions—or rather lack of action—on the part of the Federal Communications Commission.

The FCC began to consider establishing rules for children's programming back in the early 1970's, but while the Commission offered sympathy to those who called for better children's programming by conducting numerous inquiries and formally proposing rules which could have accomplished improvements in children's television, the Commission has consistently refused to implement the hard and fast guidelines necessary to accomplish reform.

The FCC has provided plenty of rhetoric. In its 1974 policy statement, it ruled that "the use of television to further the educational and cultural development of America's children bears a direct relationship to the licensee's obligation under the Communications Act to operate in the public interest."

The Commission criticized the industry for its current level of service to children and called for meaningful efforts to increase the amount of educational children's programming. Missing, however, were any measurable guidelines as to just what was expected on the part of the broadcaster. The policy statement suggested a voluntary compliance with the methodology left up to the broadcasters.

Five years later, in 1979, the FCC conducted elaborate studies to assess whether broadcasters had responded to the policy proposal by increasing their programming efforts directed at children. The results were disappointing and unequivocal. In the words of the FCC staff report: "The policy statement produced insignificant changes in the amount of educational and instructional programming available to children since 1974. Thus, there has been no broadcaster compliance in the area of educational and instructional programming for children." Still, the FCC took no real action.

In January of 1980, in the last days of the Carter administration, the FCC issued a notice of proposed rulemaking based on the staff studies. The proposed rule would have required 7½ hours a week of educational programming, not unlike the requirement proposed in the legislation we are here to discuss today. For over 3 years, the Commission did nothing.

Then, in 1983, the FCC issued an even more startling ruling. The Commission determined that the emergence of cable television and new communications technologies such as videotape recorders and videodisc players could now act to reduce the broadcasters responsibilities to meet the programming needs of children since children's content is now available through these alternative sources.

Using that rationale, the FCC decided against establishing any children's programming requirements, and closed off any further consideration of the Notice of Proposed Rulemaking. The logic of this ruling fully escapes me. For many families who are struggling along on a tight budget, the luxury of cable television or a videotape machine is far beyond their means. How are the needs of their children supposed to be met, or don't they count?

Regardless of the availability of children's programs through sources other than over-the-air TV, each television broadcaster has the responsibility to serve the child audience by virtue of their acceptance of a broadcast license. The license confers upon the holder the opportunity to make a substantial profit through the use of the airwaves which belong to the people, not the broadcaster.

The people do not ask for very much in return. We do not ask for a portion of the profits; we do not ask for a cut of the take when a single station is sold for as much as $500 million, as was recently the case. What we do ask for is that each broadcaster operate in the public interest, and the public interest demands television programming for children.

Today the FCC prefers to rely on "marketplace competition" rather than rules or regulations to insure that broadcasters meet their public interest obligations. In many areas, that approach is effective. In the case of children's programming, it clearly is not.

Where is the marketplace incentive to provide programming for children? Broadcasters generate their profits based on the size and buying power of the audience they attract for their programs, since the business of broadcasting is selling the audience to advertisers for their commercials.

While that business might be to sell "high-dollar" items to adults with soap opera sex and vigilante violence, and with toys and sugar-coated cereal to children, programs designed just for children and their enlightenment do not attract large auidences of viewers under 12 who have big bucks to spend.

These young viewers cannot buy the products the Wall Street advertising executives most want to sell. But the public interest, rather than commercial interest, demands informative programming that turns on children's minds, not their sweet tooth.

So, with all this in mind, it should not really be surprising that the lack of any specific children's programming requirements has led to a dearth of children's programming. A study conducted by this subcommittee in 1983 found that the average commercial television station provides 61 minutes of educational or informational programming for children per week.

The total amount of all children's programming averages less than 4½ hours per week—all but an hour on the average cartoons—which contrasts rather markedly with the average viewing time for most youngsters of about 4 hours per day.

Also of concern to me is the quality of some of the programming that broadcasters are now presenting as children's content. An increasing amount of children's programming fits the description "program-length commercial." These programs seem to be selected by the broadcasters as much for their ability to promote toys and other products to kids as for their value in meeting any of the educational or informational needs of children.

Before going further with this point, however, let me note that the issues raised by the broadcast of these program-length commercials, while important ones, will not be addressed in our hearing today. A separate hearing to be held on Monday in Houston, chaired by my good friend Congressman Leland, will focus specifically on that topic.

Today I want to focus on the meat of the bill that we have before us, the Children's Television Education Act of 1985, which deals with establishing a quantifiable children's programming guideline.

This bill would establish substantial burdens under the license renewal process for those broadcasters who failed to provide a minimum of seven hours per week of educational programming for children, at least five of which must air Monday through Friday.

While most people think of Saturday morning as children's viewing time, only a very small portion of the time children spend watching TV is clocked then. Most of young children's viewing is done during the weekday mornings and afternoons, before and after school. It is important that broadcasters provide some worthwhile programming for children during these time frames.

Presently, there is not one single regularly scheduled weekday children's program on any of the three commercial television networks, a situation which is literally unprecedented in the history of the medium.

In fact, in selecting witnesses for this hearing today, the subcommittee invited each of the three commercial television networks to appear and testify on the issue—to tell us how and why they believe their current level of programming efforts are meeting the needs of children.

You do not see anyone here from the networks today though, all declined to testify. I am concerned that their decisions reflect a lack of interest in these important issues—a lack of concern that underscores even further the critical need for the legislation we are considering today.

On the other hand, I am pleased that we will be hearing from some segments of the broadcast industry—the independent stations—representing the Association of Independent Television Stations.

Unfortunately, neither the National Association of Broadcasters nor the Texas Association of Broadcasters, chose to present their points of view and also declined to send witnesses. We will hear the unique perspective of a representative from the Belo Corporation, one of my local stations.

Other witnesses will speak for the National Parent Teachers Association, the National Education Association, and the American Federation of Teachers. A former FCC general council will give his views on the current Commission's lack of action and we will hear from some local programmers and users of the medium of TV for education.

The issues to be addressed are:

What are the programming needs of children?

What efforts are broadcasters currently pursuing to meet these needs?

Are these efforts adequate to meet the broadcasters' public interest responsibilities to children?

Would a quantifiable programming standard such as that embodied in H.R. 3216 serve to improve television programming for children?

Let me welcome those of you who have come to watch and participate. We are having a hearing on the subject matter and specifically on this bill to create a record from which the debate over the legislation in the Energy and Commerce Committee and in the full House of Representatives will be conducted.

At this time I recognize my colleague, the gentleman from Houston, Congressman Leland.

Mr. **Leland**. Thank you, Mr. Chairman.

Today we are discussing one of the most important issues facing the broadcasting industry, the future of children's television. This issue has been debated and studied for literally decades and still the fundamental problems with children's television remain.

The quality of children's television and advertising practices involving children are very, very difficult, but very, very important. We as a society cannot and should not allow these problems to remain unsolved. After all, we are talking about not only the future of the children themselves, but the future of America.

As a soon-to-be father myself, I have an increased personal interest in this situation. It is my hope that in the very near future the television industry will live up to its potential as an educator of our children.

Mr. Chairman, let me associate myself with all the remarks that you have made and I want to commend you, too, for calling this very important hearing and inviting me to join you here in Dallas, my second favorite city. I am from Houston, by the way.

I also want to commend you for cosponsoring with Chairman Tim Wirth, chairman of the Subcommittee on Telecommunications, Consumer Protection and Finance, H.R. 3216, the Children's Television Education Act. It is much needed legislation.

I want to welcome our esteemed panels of witnesses. I look forward to their testimony and I appreciate their contributions here today.

Mr. Chairman, thank you very much for affording me this opportunity.

[The text of H.R. 3216 follows:]

99TH CONGRESS
1ST SESSION

H. R. 3216

To amend the Communications Act of 1934 to increase the availability of educational and informational television programs for children.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1985

Mr. WIRTH (for himself, Mr. BRYANT, Mr. LELAND, Mr. MARKEY, Mr. BATES, Mr. SCHEUER, Mrs. COLLINS, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

A BILL

To amend the Communications Act of 1934 to increase the availability of educational and informational television programs for children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Television Education Act of 1985".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a series of expert commissions have documented serious shortcomings in our Nation's educational

system which will profoundly affect both the opportunities available to our Nation's children, and the ability of the United States to compete effectively in an international economy;

(2) by the time the average student graduates from high school, that child has spent more time watching television than in the classroom;

(3) the potential of commercial television programming for making a major positive impact in improving the education of children has been largely unrealized;

(4) it has been clearly demonstrated that television can assist children in learning important information, skills, values, and behavior, while entertaining them and exciting their curiosity to learn about the world around them;

(5) commercial television is the most effective and pervasive mass medium;

(6) as public trustees, commercial television station operators have a legal obligation to serve children, regardless of any contribution that may be made by public television, cable television, video cassette recorders, or other new or traditional sources of programming;

(7) commercial television has generally failed to meet its obligation to provide educational and informational programming to children as part of its obligation to serve the public interest; and

(8) the Federal Communications Commission, in concluding its proceeding on children's television, has declined to take effective steps to increase educational and informational programming designed for children on commercial television and has instead rendered broadcaster's obligations to serve children vague and unenforceable.

SEC. 3. CHILDREN'S TELEVISION PROGRAMMING.

Part I of title III of the Communications Act of 1934 is amended by redesignating the last section as section 333 and by inserting before such section the following:

"CHILDREN'S TELEVISION PROGRAMMING OBLIGATION

"SEC. 332. (a) The purposes of this section are—

"(1) to further use the potential of television for the positive educational and informational benefit of our Nation's children;

"(2) to encourage expanded development of programming specifically designed to meet the educational and informational needs of children;

"(3) to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience; and

"(4) to establish a presumptive quantitative guideline for serving the child audience, which broadcasters must meet or establish good cause for not doing so.

"(b) In exercising its obligation to serve the public interest, convenience, and necessity under this title, each television broadcasting station shall broadcast a substantial amount of programming—

"(1) which serves the educational and informational needs of children who are 12 years of age or younger through programming that is specifically designed to meet such needs,

"(2) which is reasonably scheduled throughout the week, and

"(3) which is directed to specific age groups of children.

"(c) The Commission shall prescribe such regulations as are necessary to carry out the purposes of this section. Such regulations shall be initially prescribed not later than 180 days after the date of the enactment of the Children's Television Education Act of 1985.

"(d)(1) The Commission shall designate for hearing under section 309(e) any application for renewal of a license by a television station, if a petition for denial is filed under section 309(d)(1) that contains specific allegations of fact claiming that the applicant has failed to broadcast a minimum of 7 hours a week, 5 hours of which shall occur Monday through Friday, of programming that is described in subsection (b) (1), (2), and (3).

"(2) In a hearing held pursuant to this subsection, the burden of proceeding with the introduction of evidence and the burden of proof shall be on the applicant with respect to its fullfillment of its obligation to serve the child audience.

"(3) Notwithstanding section 309(d)(2), the Commission may dismiss any petition to deny an application for renewal only if it determines that the petition is frivolous.".

SEC. 4. REPORT.

Section 5(g) of the Communications Act of 1934 is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(5) list those television broadcast station licensees whose licenses were renewed, notwithstanding a failure to meet the level of programming set forth in section 332(d)(1), and describe in detail the reasons for the renewal; and

"(6) describe the implementation by the Commission of section 332, and its impact on television programming designed to meet the educational and informational needs of children.".

SEC. 5. PROGRAM LENGTH COMMERCIALS.

(a) INQUIRY.—The Federal Communications Commission shall conduct an inquiry into program length commercials for which the primary audience is children who are 12 years of age or younger. As part of such inquiry, the Commission shall assess whether, and to what extent, the broadcasting of such commercials breaches the obligations of a commercial broadcast station licensee to serve the needs of children.

(b) REPORT.—Within 9 months after the date of the enactment of this Act, the Federal Communications Commission shall complete the inquiry under this section and send a report to the Congress on its findings.

(c) PROGRAM LENGTH COMMERCIAL.—The term "program length commercial" means programming—

(1) which is intended as the primary element of a program or programming segment of 20 minutes or longer; and

(2) which is designed, in whole or in part, to promote the purchase of one or more specific products by—

(A) the theme of the programming, and

(B)(i) the identification of the product by name in the title of the programming, or

(ii) the reference or display of the product in the content of program in a manner or to the extent that readily permits the identification of the particular product brand.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act.

Mr. **Bryant**. Thank you.

At this time the Chair would ask the first of our three panels to come forward. First, Dr. Aletha Huston, the codirector of the Center for Research on Influence of Television on Children from the University of Kansas, one of the top research centers on children's television in the country. The center has produced over 50 scientific papers in this area documenting their studies.

Dr. Huston will be testifying on behalf of the American Psychological Association.

STATEMENTS OF ALETHA G. HUSTON, ON BEHALF OF AMERICAN PSYCHOLOGICAL ASSOCIATION; HENRY GELLER, WASHINGTON CENTER FOR PUBLIC POLICY RESEARCH; AND WILLIAM G. MOORE, JR., CHAIRMAN, AMERICAN ELECTRONICS ASSOCIATION

Ms. **Huston**. Mr. Chairman, it is an honor to be invited here today to testify on behalf of the American Psychological Association on the subject of children's television. I would like to take this opportunity to commend you and the other members of the Subcommittee on Telecommunications, Consumer Protection, and Finance for your outstanding leadership in legislative efforts to increase the quality of children's television in the United States.

I am Dr. Aletha Huston, professor of human development and of psychology at the University of Kansas. I am also codirector of the Center for Research on Influences of Television on Children.

I have been conducting research on children and television for the past 15 years beginning with an investigation conducted for the U.S. Surgeon General's Advisory Committee on Television and on Social Behavior in 1970.

I will briefly discuss some of the positive and negative effects of television on children and how children's viewing patterns are related to the program offerings available to them.

Children in the United States spend a great deal of time watching television, more than they spend in school, in social interaction with other family members, or in any other waking activity. Moreover, television becomes firmly established in children's lives well before their first experiences in formal educational settings.

The effects of these many hours of television can be positive or negative, depending on the types of programs available and on the uses that people make of the medium. Until recently, many researchers have focused on negative effects.

A vast amount of research showing the effects of television violence on aggression has been conducted in the past 30 years. The results are sufficiently conclusive that the American Psychological Association passed a resolution in February 1985 stating that the great majority of research studies have found a relationship between viewing violence and aggressive behavior and informing broadcasters and the public of the potential dangers that viewing violence on television may pose for children.

Their conclusions agreed with those of the U.S. Surgeon General's Advisory Committee on Television and Social Behavior in 1972 and a panel of experts assembled by the National Institute of Mental Health in 1982.

Despite widespread agreement that television violence can be harmful to children, the efforts to remedy the problem by Government restrictions on program content are almost doomed to failure because of fears that regulation would violate basic constitutional freedoms.

I agree with those researchers and policymakers who argue that it is more productive to explore ways of maximizing the positive contributions that television can make to children's development.

The provisions in the Children's Television Education Act of 1985 will help to accomplish that goal.

Television can teach socially valued behavior such as helping, sharing, empathy, understanding one's own and others' feelings, task persistence, and self-esteem.

Television can also teach academic and intellectual skills, transmit information about the broader world, and help children to be informed, intelligent citizens. The most notable and successful efforts to exploit the educational potential of television are the productions of "Children's Television Workshop—Sesame Street," "Electric Company," and "3-2-1 Contact."

Children watch those programs. "Sesame Street" now reaches about 85 percent of the 3- to 5-year-old children in this country. Although children watch and learn from well-designed television programs, few such programs are available on commercial television.

Our television research center recently conducted a study of the television viewing patterns of approximately 300 children from 3 to 7 years of age. At age 3, children watched an average of 19 hours a week; at age 7, 15½ hours a week. There were important age changes in viewing two types of programs designed for children, those with an informational purpose and those designed solely for entertainment.

At age 3½, the children watched an average of slightly over 5 hours a week of informative programming. By age 7, the amount was down to about 1 hour a week.

Why did children view less informative programming as they grew older? Primarily because they outgrew "Sesame Street" and other programs designed for preschool children, and there was little in the way of programming to replace it.

We did a companion analysis of the number of hours of programming available on 16 channels in a medium-sized midwestern city.

First, there are very few children's informative programs, particularly for children beyond the preschool years; and second, most of what was offered appeared on public television.

Network affiliate channels offered an average of 1.4 hours per week of informative children's programs during six periods sampled from early 1981 to late 1983. Public television stations offered an average of 22 hours per week.

The incentive system in commercial television and the competition for advertising revenues make it difficult for any single channel or network to risk departing from the previously successful pattern that they have found.

For that reason, the action proposed in the Children's Television Education Act of 1985 is needed to provide the inducement for commercial stations to broadcast informational programming for children. Requiring every station to allocate a minimum number of hours to planned, informative programming for children would spread the risk equally to all stations so that none would be at a competitive disadvantage as a result of efforts to broadcast good children's programs.

It could encourage the production and development of creative programming, some of which would survive open competition for audiences. It could help to fill the void of planned programming for elementary school age children, an age group that spends a great deal of time watching television.

In summary, two decades of psychological research have demonstrated that children will watch well planned programming designed to teach or provide information and that they can learn a wide variety of academic and social skills as a result of viewing. Despite the potential of television to promote children's development, the organization of the television industry in the United States does not lead to production and marketing of informative children's programs.

Critics of Government regulation often make the valid argument that regulation of children's viewing is a parental responsibility; however, supplying beneficial alternatives for parents to select is the responsibility of the industry.

Fifteen years of citizen and regulatory agency efforts to bring about voluntary increases in informative programs for children on commercial television have been fruitless; it is clear that this is a case in which Government action of the kind proposed in the Children's Television Education Act of 1985 is needed to induce television stations to fulfill their obligation to serve the public interest of their child viewers.

Thank you for the opportunity to testify.

[The prepared statement of Ms. Huston follows:]

TESTIMONY OF

ALETHA C. HUSTON

Professor of Human Development and Psychology
Co-Director of the Center for Research on the Influence
of Television on Children (CRITC)
University of Kansas
Lawrence, KS

on behalf of

THE AMERICAN PSYCHOLOGICAL ASSOCIATION

before the
UNITED STATES HOUSE OF REPRESENTATIVES
Subcommittee on Telecommunications, Consumer Protection,
and Finance

October 25, 1985

IMPROVING CHILDREN'S TELEVISION PROGRAMMING

Mr. Chairman, it is an honor to be invited here to testify on behalf of the American Psychological Association on the subject of children's television. I would like to take this opportunity to commend you and the other members of the Subcommittee on Telecommunications, Consumer Protection, and Finance for your outstanding leadership in legislative efforts to assure more quality educational and informative television programming for children.

I am Dr. Aletha C. Huston, Professor of Human Development and of Psychology at the University of Kansas. I am also Co-Director of the Center for Research on the Influence of Television on Children (CRITC), established in 1978 at the University of Kansas. I have been conducting research on children and television for the past 15 years, beginning with an investigation conducted for the United States Surgeon General's Advisory Committee on Television and Social Behavior in 1970.

In the following remarks, I will discuss briefly how children use television, the negative effects of some types of programs, the potential of the medium for making positive contributions to children's development, and, finally, children's viewing patterns in relation to the program offerings available.

How Children Use Television

Children in the United States spend more time watching television than they do in school, in social interaction with other family members, or in any other waking activity. Moreover, television becomes firmly established in children's lives well before their first experiences in formal educational settings. Six-month-old infants respond to the sights and sounds of television, and children between 1 and 2 years of age react to characters and events on television by pointing, labeling, and selective attention. By age 3 or 4, children watch an average of 2-4 hours a day; total viewing time peaks around age 9 - 12, then drops off slightly during adolescence. By any standard, television is an important influence in the lives of our children. The effects of these many hours with televison can be positive or negative, beneficial or harmful, healthy or unhealthy, depending on the kinds of programs that are available to view and the uses made of the medium by its young viewers.

Television Violence

A vast amount of research showing the effects of television violence on aggression has been conducted in the past 30 years. The results are sufficiently conclusive that the American Psychological Association passed a resolution in February, 1985 stating that the great majority of research studies have found a relationship between viewing violence and aggressive behavior and informing broadcasters and the public of the potential dangers that viewing violence on television may pose for children. Their conclusions agreed with those of the U. S. Surgeon General's Advisory Committee on Television and Social Behavior in 1972 and a panel of experts assembled by the National Institute of Mental Health in 1982.

Despite widespread agreement that television violence can be harmful to children, the efforts to remedy the problem by government restrictions on program content are almost doomed to failure because of fears that regulation would violate basic constitutional freedoms. I agree with those researchers and policy makers who argue that it is more productive to explore ways of maximizing the positive contributions that television can make to children's development. The provisions in the

Children's Television Education Act of 1985 will help to accomplish that goal.

Educational and Prosocial Television

Television can teach socially valued behavior such as helping, sharing, empathy, understanding one's own and others' feelings, task persistence, and self esteem. My own research demonstrates that children adopt the "prosocial" behaviors they view on television just as they adopt the violence they observe. Some of my investigations have studied Mr. Rogers' Neighborhood, a program designed to promote very young children's social and emotional development. Fat Albert and the Cosby Kids is a successful commercial program for elementary school age children that contains planned prosocial messages; again, research demonstrates that children understand and adopt the messages that the program is intended to convey.

Television can also teach academic and intellectual skills, transmit information about the broader world, and help children to be informed, intelligent citizens. The most notable and successful efforts to exploit the educational potential of television are the productions of Children's Television Workshop -- Sesame Street, Electric Company (designed to teach early reading skills), and 3-2-1 Contact (a science series for elementary school age children). Extensive evaluations conducted in the early seasons of each of these programs demonstrate that children watch the programs at home and that they learn from them. Recent audience figures show that Sesame Street reaches about 85% of the nation's children in its target age range of 3 to 5 years.

Big Blue Marble, a commercially-produced children's documentary about foreign countries, exemplifies an informative program that is not specifically academic. Evaluations demonstrate that children not only learn about foreign countries, but accept cultural and individual differences among people more readily as a result of viewing.

Viewing and Program Availability

Although children watch and learn from well-designed television programs, few such programs are available to them, especially on commercial television. Our television research center recently conducted a longitudinal study of the television viewing patterns of approximately 300 children from 3 to 7 years of age. As most other studies have found, these young children watched a great deal of programming designed for adults, or at least for a general audience. At age 3, children watched an average of 19.2 hours per week; at age 7, the average was 15.5 hours per week. There is typically a slight decline when children enter school.

There were important age changes in viewing two types of programs designed for children: those with an "informative" purpose (that is, they were designed to convey information or prosocial messages), and those designed strictly for entertainment (primarily cartoons). As children got older, the amount of time devoted to viewing informative programs declined, and time devoted to noninformative programs increased. The patterns are shown in the attached figure. The peak of informative viewing occurred at age 3 1/2 with an average of slightly over 5 hours per week; by age 7, the average was slightly over one hour per week.

Why did children view less informative programming as they grew older? Primarily because they outgrew Sesame Street and other programs designed for preschool children, and there was little age-appropriate programming to replace it.

A companion analysis of the number of hours of programming available on 16 channels in a medium-sized midwestern city demonstrated (1) a general paucity of children's informative programming, particularly for children beyond the preschool years, and (2) most of what was offered appeared on public television. Network affiliate channels offered an average of 1.4 hours per week of informative children's programs during six periods sampled from early 1981 to late 1983. Public television stations offered an average of 22 hours per week.

Analyses of programming in other parts of the United States, in Canada, and other countries indicate a similar pattern. Commercially financed television channels broadcast less informative programming for children than publicly supported channels. Despite citizen protests and repeated investigations by the Federal Trade Commission, the incentive system in commercial television and the competition for advertising revenues make it difficult for any single channel or network to risk broadcasting programs that depart from a pattern that has previously succeeded. Commercial stations rely on entertainment programming with an appeal to the widest possible age range because their major goal is to maximize the number of viewers.

For that reason, the action proposed in the Children's Television Education Act of 1985 is needed to provide the inducement for commercial stations to broadcast informational programming for children. Requiring every station to allocate a minimum number of hours to planned, informative programming for children would spread the risk equally to all stations so that none would be at a competitive disadvantage as a result of efforts to broadcast good children's programs. It could encourage the production and development of creative programming, some of which would survive open competition for audiences. It could help to fill the void of planned programming for elementary school age children, an age group that spends a great deal of time watching television.

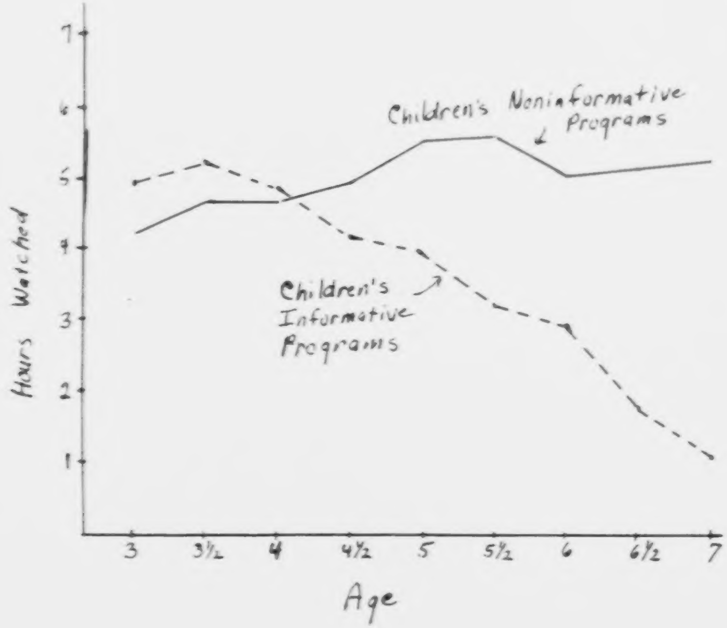
Summary

Two decades of psychological research have demonstrated that children will watch well-planned programming designed to teach or provide information and that they can learn a wide variety of academic and social skills as a result of viewing. Despite the potential of television to promote children's development, the organization of the television industry in the United States does not lead to production and marketing of informative children's programs. Critics of government regulation often make the valid argument that regulation of children's viewing is a parental responsibility; however, supplying beneficial alternatives for parents to select is the responsibility of the industry. Fifteen years of citizen and regulatory agency efforts to bring about voluntary increases in informative programs for children on commercial television have been fruitless; it is clear that this is a case in which government action of the kind proposed in the Children's Television Education Act of 1985 is needed to induce television stations to fulfill their obligation to serve the public interest of their child viewers.

Thank you for the opportunity to testify to this committee. If I can be of any further help in your deliberations, please feel free to call on me.

Number of Hours Per Week of Two Types of Children's Programs

Viewed from 3 to 7 Years of Age



Mr. **Bryant**. Thank you very much for your excellent testimony. If you would just stand by until we complete the panel, I will ask you to return for questions.

Our next witness is Mr. Henry Geller, director of the Washington Center for Public Policy Research of Duke University. He is the former head of the National Telecommunications and Information Administration and former general counsel to the Federal Communications Commission.

STATEMENT OF HENRY GELLER

Mr. **Geller**. Thank you, Mr. Chairman. I appreciate the opportunity to testify here. I will restrict my remarks just to the Government policy issue with which I am most familiar.

You have already covered a great deal of it in your opening remarks. The commercial broadcaster is a public trustee. It is given the right to use the scarce valuable frequencies on the pledge that it will serve the public interest; and serving children is a very important part of that for the reasons both you and Congressman Leland detailed.

Children watch a great deal, they learn from television. And as Dr. Huston said, they ought to have available to them informational programming, programming that educates and informs and entertains. The Commission came up to this issue in 1974, and in its report it found that there was a need for improvement in this area of educational or informational programming; and there was a need for age-specific programming.

A 10-year-old is different from a 4-year-old, and you can't homogenize the two, so there is a need for a reasonable amount of educational programming that is age specific. And there is a need to spread it throughout the week. Children watch only 10 or 15 percent of total TV time on weekends, and, therefore, it is very important that they have available this type of programming throughout the week—daily.

The 1974 FCC report called on the industry for self-improvement, with the expectation of such improvement by January 1, 1976. And it said that the FCC is going to keep the record open and review it. In 1978 it reexamined the area with an expert staff and found no improvement.

It was still the same; and yet there had to be some positive difference for this policy to work. So the Commission issued a notice of proposed rulemaking in 1979, and proposed, among other things, programming guidelines.

When it came to a decision in late 1983, under Chairman Fowler, who is very deregulatory-minded, the Commission never adopted guidelines. It never found any improvement in educational or informational programming; no finding was made as to those critical categories, including age-specific.

Instead it simply gutted the requirements. It took out of the 1974 statement any requirement for educational informational programming, or for age-specific programming, and it left only a very vague requirement that each commercial broadcaster has a bedrock need to serve this unique child audience. But that is very vague. It has no meaning.

You have to take into account, Mr. Chairman, two other decisions of the Commission under Chairman Fowler, in the 1980's. One was called postcard renewal. The Commission itself gets no information at all at renewal time.

Remember, it is saying that each one of these broadcasters has a duty to do this bedrock programming for children, and it is going to check this at renewal. But it gets a "postcard" and there is no information about programming on it. So the FCC is relying on the public; and that is wrong.

You can't rely on the public. It is the Commission's duty to insure operation in the public interest. But it gets worse because if you are relying on the public you ought to give the public the information it needs to participate.

In 1984, the Commission withdrew from the public all logs. There used to be a question 6 on the log, and it said to each TV broadcaster, what have you done for children—list your programming primarily directed to children 12 and under.

That is gone so that the public gets no information. I claim this is a shell game. The Commission says this is a duty, we are going to rely on the public, and they withdraw information from the public, and you have nothing.

I think that is shameful when you consider that child by child we are building this Nation. They are the future of the Nation and they are being shortchanged.

I think, therefore, that legislation along the lines of the bill introduced by Chairman Wirth, you, and others, is long overdue. It seems to me that it is reasonable and effective, and it is constitutional in light of Supreme Court decisions.

I would conclude by simply saying that a great deal has been given to the commercial broadcaster—to the networks, for example, five VHF stations with enormous impact. The Commission said in the 1974 report "We, therefore, particularly look to the networks to supply this educational informational programming in its daily programming."

There is no regularly scheduled daily network programming. The mother cannot know that at 3 or 4 o'clock every day her child can get this type of program, and it seems to me that that speaks to the need for this legislation.

Thank you, Mr. Chairman.

I would be glad to try to answer your questions.

Mr. **Bryant**. We will hear the third witness and come back and ask you some questions.

It is a pleasure for me to introduce our third witness. He is from Dallas, an outstanding businessman, the chief executive officer of Recognition Equipment, Inc., and chairman of the Electronics Association which represents 600 member firms. He is also on the board of a radio station in Dallas, William G. Moore, Jr.

STATEMENT OF WILLIAM G. MOORE, JR.

Mr. **Moore**. Thank you for allowing me to be with you this morning. My major purpose is to underscore the importance of the Children's Television Act of 1985 in creating a positive social environment.

I want to hasten to say that I am not an expert in children's viewing patterns, but I know something about high technology, something about the trends that are emerging in our country and about how the medium of television will impact our society as we move forward.

First of all I come hear wearing several hats, hat No. 1 as the father of three children with whom I must compete with television from time to time for their attention.

Second, I am the president of a $200 million New York Stock Exchange company that is high-tech, making everything from postal sorting equipment to computer terminals. As you mentioned I am the chairman of American Electronics Association and represent about 70 percent of all electronic sales in the United States, in terms of that chairmanship.

As a director of the Dallas Chamber of Commerce which is the largest and arguably the best chamber of commerce in the country. Each of these involvements has a single common denominator relative to the subject of your hearing.

As the company president for example, I am increasingly concerned about what I call the functional illiteracy of the work force, concerned about the future of my enterprise, insofar as I cannot find qualified people to do their jobs.

As chairman of the American Electronic Association there is nothing more important to the electronic industry than the status of our educational environment, and we are increasingly interested in the kindergarten through 12th grade area for education.

As the director of the Dallas Chamber of Commerce, our principal focus is to continue improvement of our Dallas independent school district which is today arguably the best school district in the country.

So what does this have to do with television?

Quite simply TV is a means of information, education, entertainment, and increasingly, motivation. Television straddles all of these issues, therefore.

Let me describe to you what has been going on in the computer business and relate it to our hearing. During the decade of the 1960's computers became cheap enough so that every company in the United States of any size could own a computer; and they did.

In the 1970's we further reduced the cost performance of computers to the point where literally every building within every company could be equiped with its own computer system.

Now, in the decade of the 1980's we have reached a cost performance level with the personal computer where you will see before the decade is out a computer literally on every desk. That computer is no more or less than a television screen, a telephone linked to one another.

And the importance of television, television in the context of the screens that will appear on the workplace desk of the young children that you are focusing on in this legislation will be important in the sense that all of those televisions linked to telephones will be able to intercommunicate nation and worldwide.

This is the view, then, that I have of television and its importance to our society, and it is not a 21st century view it is a view that will be upon us before the end of the decade.

Congressmen, I applaud and encourage the efforts that you have undertaken here today. I do so because I have got a point that I want to make sure that I end my discussion with.

The medium of television will provide a pivotal role in the future of our country. It has incredible potential to educate, inform, and motivate.

But excellence in programming standards is absolutely important; and excellence does not usually fourish when things are moving rapid fire.

It is time we stopped and caught our breath, and I think that is what your deliberations are all about, and, therefore, I once again congratulate you on your efforts, offer to lend the authority that I have as the chairman of a major trade association, the Dallas Chamber of Commerce, the high-tech company president to continue to reinforce the efforts you have begun.

Thank you very much.

Mr. **Bryant**. Thank you very much.

I would like to ask Mrs. Huston a couple of questions if she will come to the microphone.

The bill that has been introduced which is the focus of this hearing, H.R. 3216, indicates that required programming should be directed to children of specific age groups; that is, we should require programming as part of the responsibility of the broadcasters, and it should be directed at specific age groups.

My question to you, as a professional in the area of schooling and child development, is whether or not we really know enough about the way children learn from television to ask broadcasters to provide age specific television?

In other words, how important is the age-specific requirement?

Ms. **Huston**. The answer to the question is, yes; it is important. And, yes, we do know a lot that would help to make age-specific programming.

In particular, preschool children, 2 to 5 years old roughly, are very different in the way they think, the way they understand what they see on television than elementary school age children. We have age-specific programming on television now, so we know what can be done.

Mr. **Bryant**. One of the arguments raised is that kids won't watch this kind of television if we require it. My question is, if there was more educational informational programming directed at children available on television, what reason do we have to believe that kids would watch it; or would they just stick to the more aggressively promoted cartoons and junk food for the mind that is available?

Ms. **Huston**. First we have no guarantee that children are going to watch any program, educational or not. That depends on the creativity of the producers. We know there are successful programs. Sesame Street is the most successful in terms of attracting audiences.

It gets 85 percent of its target audience. I think we really haven't tried.

One of the things our center has been doing for the past several years is trying to identify production features and techniques that make a program interesting to children. To the extent we can do that we can use those production features to interest children in lot of different kinds of content. Production features actually seem to be more important than aggression in holding children's interest.

Mr. **Bryant**. The gentleman from Texas.

Mr. **Leland**. Thank you, Mr. Chairman.

Are the figures you quoted in your testimony on the amount of children's programming, representative of the industry as a whole?

Ms. **Huston**. I think they are.

We sampled two network affiliates from each of the three major networks. Network programming is for the most part very similar across the country.

There are other studies in other parts of the country that find similar kinds of figures.

Congressman Bryant cited a figure of 61 minutes of informative programming; Tannis Williams in British Columbia has compared U.S. networks and Canadian television and found similar patterns.

Mr. **Leland**. Is there reason that broadcasters in other markets provide more children's programming than your sampling indicates?

Ms. **Huston**. This is similar to other parts of the country I have seen studied, so I think this is fairly consistent across the country. The question mark comes more with independent channels at this stage of the game.

We know less about how consistent independent commercial broadcasters are across the country, but the network stations, I think, are consistent.

Mr. **Leland**. The FCC's latest position on children's television says cable and other technologies meet the needs of children so for that reason that broadcasters now have less of a responsibility to provide programming for children.

Do you feel that that is a responsible position?

Ms. **Huston**. No; I don't. I think that the new technologies are providing new possibilities for informative programs for children. There is a nickelodeon station, which is a cable network essentially for children.

There is now the Disney channel, which is a commercially available movie channel. Those outlets cost extra money, so that they are not available to people who don't have the income to pay for them, and I don't think they can replace what broadcast television ought to be doing.

We ought to see informative programming throughout the kinds of broadcast outlets for television that are available to the public.

Mr. **Leland**. Let me ask a last question that is a little bit different, but something that I have been very much concerned about, and that is the psychological impression of what programming does to children as they see on television projected images of minorities in a very negative way. For the most part the preponderance of characters in minority roles are important trade in comedic characters.

To what extent does that really impress young children growing up; and what attitudes do they develop in the long term just seeing people like Mr. T, and others on television who project these kinds of buffoonish and comedic roles?

Ms. **Huston**. They carry away from those programs impressions about minorities that get mixed with other impressions in their lives. The minority children who see that kind of character on television, to some extent identify with those people, see those people as respresentative of the ideals of their ethnic groups.

Other groups of children, particularly those that don't have much contact with minorities themselves garner most of their impressions of minorities from television.

So those kinds of portrayals do have an effect on children.

Mr. **Leland**. And the preponderance—the perponderance of those roles being projected without the balance then does have sometimes indelible impressions on children in a very negative way?

Ms. **Huston**. It can. Of course, there have been efforts to have more positive role models that are representative of minorities.

Mr. **Leland**. Bill Cosby?

Ms. **Huston**. He is one of the best examples; and I think that is all to the good. What we need for minorities and women and other groups are variations in portrayals rather than these limited number of qualities that get repeated over and over again.

Mr. **Leland**. Thank you, Mr. Chairman.

Mr. **Bryant**. Thank you very much for being here.

Mr. Geller, I would like to ask you as a former general counsel to the FCC as well as the position that you hold today, if you think that there are any other alternatives available to accomplish improvements in children's television other than the enactment of a quantifiable programming standard as we would try to do in this bill?

Mr. **Geller**. No; I really don't believe so. If you are talking about the commercial broadcaster, I think you detailed very well that the incentives of the commercial system militate against the presentation of educational, informational programming of an age-specific nature. It has not occurred; the Commission itself has recognized that the commercial incentive militates against it.

A cost-per-thousand approach rules out that type of programming. You have to say to the commercial broadcaster, "You are a public trustee; you have to deliver it; you have to put profit second and children first." That is not unreasonable to impose on a public trustee. Short of that, I see no way of doing it. The Commission in the past has tried to do it by the "lifted eyebrows" technique. Various chairmen of the Commission, Republican and Democratic, have cajoled the industry and said you have to do this. That has not been effective. I admire them for trying to do it, but it has not worked.

I think the record ought to reflect that the present Chairman not only is not going to do "lifted eyebrow", but in a speech he said—and I would like to quote it because I believe it should be in the record:

> So if I am asked do broadcasters have a responsibility when it comes to the special child audience upon which their renewals will depend, the answer I think should be no.

He also said:

When there is a decline in children's programming in over-the-air television, the reason is no mystery. Given available programming choices at a particular hour with a set number of channels in the market other programs are more profitable or more popular. I don't believe the FCC should second-guess those judgments for we have no way ourselves of arriving at the right answer.

Mr. **Bryant**. This is the Chairman of the Commission who has the responsibility of protecting the public interest?

Mr. **Geller**. He is the one who said there is a bedrock obligation and he is going to see to it that renewal is carried out.

Mr. **Bryant**. The point you are making is he is going to see to it that license renewals take place regardless of whether they have met public responsibility?

Mr. **Geller**. Exactly. The Commission gets no information, the public has no logs available to it and the Chairman of the Commission is giving the industry a green light to do as it wishes. He hopes they will serve children, he said, just as the local bookstore or movie house ought to do it. But he says that the Government won't intervene, even though the commercial incentives are against the presentation of this type of educational/informational programming. That is why you should legislate.

You have had decades of experience and it has not worked.

Mr. **Bryant**. I think you just quoted the FCC Chairman as agreeing that the marketplace is not going to work.

Mr. **Geller**. There is a 1983 report where the FCC acknowledges that the commercial incentives are against this type of informational fare. The FCC says the child audience cannot be ignored, yet it ignores the issue at renewal by eliminating all information.

Mr. **Bryant**. The gentleman from Texas.

Mr. **Leland**. You heard the question I asked about the FCC position on children's television with regard to cable television and new technologies. Can you comment?

Mr. **Geller**. Cable penetration is 43 percent in this country. It levels off at 55 or 60 percent—it is a few years off before they get that percentage. You cannot rely on a service which does not reach more than half the people. It is a pay service. In order to get it, you have to pay. These programs ought to be available democratically throughout the United States on the one facility that reaches everybody, and that is commercial television.

Even public television doesn't reach 10 percent of the country. Commercial television reaches 98 percent. As I say and keep stressing above all, they are a public trustee and to whom do they owe the trustee duty if not to the children.

Mr. **Leland**. I asked a question about the portrayals of ethnic minorities on television. Can you comment on that?

Mr. **Geller**. I think children learn a great deal from television. That is their window on the world. Therefore, their impression of minorities from TV, how minorities are portrayed on TV, what are the role models—all are extremely important.

This really involves a responsibility of the broadcasters to make sure that they are conveying information that is helpful, that is fruitful and that is responsible, because kids do learn a great deal from television.

Mr. **Leland**. Thank you very much.

Thank you, Mr. Chairman.

Mr. **Bryant**. Let me ask you another question.

There are two areas in which this bill causes everyone to stop and consider how it might coincide with important principles we normally follow in our Government. One I want to ask you about is the first amendment and the extent to which requiring a quantifiable standard would in any way be in conflict with the first amendment.

Second, I would like your opinion and I would like to ask Mr. Moore about the extent to which this kind of a proposal interferes in what we normally allow to run our economy, and that is the free marketplace and whether or not in this limited instance it is justified to interfere. I guess my question is first of all, some broadcasters have argued that a quantifiable children's programming requirement would be unconstitutional because it might violate their first amendment freedoms.

Since we are building our record for debate in the future, I would like to ask your perspective. On the second question, the free market, it seems to me that while the marketplace works well in supplying entertainment and sports, there are failures and where there are failures, the Government must step in and make sure the public trustee delivers that.

Mr. **Geller**. You don't rely on the marketplace to supply this type of programming. We spend $100 billion a year on education, because we don't want to rely on the marketplace, we want to make sure we are building this Nation in a sound, responsible way.

On the first amendment, I believe this is fully consistent with the first amendment. As I say, the broadcaster is a public trustee. The Supreme Court in the 1943 *NBC* case, in the 1969 *Red Lion* case, and in the 1978 case, *FCC* v. *NCCB*, has said that this public trustee is constitutional. The heart of being a public trustee is service to the public. The Supreme Court has said that the FCC can go to what is being delivered—that the TV licensee can be called upon to show it has delivered a reasonable amount of local and informational programming, including for children. That is permissible regulation.

When broadcasters come up for renewal the FCC can look to see if they delivered a reasonable amount of such programming. In the comparative renewal, the FCC is looking to see if they delivered a substantial amount. If the FCC must look at this programming case by case, it can also adopt a rule ahead of time, because that way the FCC is not sandbagging the licensee; it is telling him what he has to do.

It not only is fairer to the licensee, since he now knows what the rules of the game are, but as I said, it is the only way to be effective here. So it is good policy. It is sound under the first amendment and I have no doubt at all that it will be sustained.

Mr. **Bryant**. Thank you very, very much.

Mr. Moore. I gave you a brief hint of what I wanted to ask about. You are a recognized and a much awarded, outstanding businessman in our country. You represent 70 percent of all the electronics manufacturing sales in the country, that is in the association you are chairman of at the present time, and I would say you are better acquainted with the free enterprise system than almost anyone in the room.

One of the troubling things about the proposal is it says to the broadcasters, you can do anything you want to but in one area, children's programming, we are going to require something of you. Some argue that might be an unacceptable amount of interference in the free marketplace.

Mr. MOORE. That is a perceptive question, because I think it may cut to the heart of the issue. We in the business are profit oriented. Oftentimes too much so, and I think the issue here is the perception among the broadcasters that quality doesn't equal profits, that in fact the stewardship that you recommend that they have toward our young people is not compatible with the profit motivation of their enterprise.

Something we are dealing with now in our computer business, that is various kinds of ground pollution, ground spills, and underwater contamination based on the processes of producing the kinds of equipment we make.

I suggest there is an analogy here between the pollution of a ground spill and the pollution of the kinds of television programming we are seeing now on our children. I think the real motivation has a basic profit motivation and in my opinion, it is not out of order for this committee to legislate level of pollution if you will, the same way you would with a ground spill.

Mr. BRYANT. That is an interesting answer. Thank you.

The gentleman from Texas.

Mr. LELAND. Thank you, Mr. Chairman.

Mr. Moore, I have enjoyed working with you on matters of postal concern. I was delighted when I found that you were going to be one of the witnesses here and after your testimony I was even more delighted given the responsible testimony that you gave.

I know it was not required that you be here today in any of your professional responsibilities necessarily but as a citizen, you have demonstrated in a sense great courage and certainly great responsibility and I want to say that I really appreciate that. I appreciate, too, your entering into the discussion and as I alluded to in my opening testimony, I am about to be a father for the first time in my life in February, it comes a little late, but I waited to find the right lady, and I am glad that you talked about your three children.

I appreciate that and I appreciate your coming forward and representing a family person who would project the kind of interest in our future, our children on a very personal basis. That is outstanding, and it is in a way the best kind of testimony that we can receive.

Let me just ask you now, turning away from personal experience and talk a bit about your professional interests and expertise.

You told us of your responsibility as chairman of the Electronics Association and your representation of 70 percent of all the electronics businesses in this country. Can you just comment if you will on the options that are available to children, options to television in the electronics media in this country, and what responsibility you see television having versus those options, if you will?

Mr. MOORE. Let me frame my answer if I might in the context of conditioning the environment in which children view, whether it be the role of minorities or women or in this case, the role of professionals. We have a program here in the Dallas Independent School District called Adopt-a-School. This is a program whereby companies like mine go in and form an affiliation with a school at all levels, and then we attempt to influence that school and its teachers, to whatever extent we can we help them with their curriculum.

The thing that we see time and time again in this Adopt-a-School Program is orientation of the children in school that is well away from some of the orientations we are trying to prescribe. Let me give an example—we see a lot of minority who after some tutoring are very bright and suddenly understand that there is a career open to them in computer science or electronic engineering, and you would have to be asleep at the switch not to see the natural interest of small children in computers.

We see that there is no conditioning at all. As a child enters the school and goes through, that there are other careers in life other than the ones that they specifically see on television.

I would contrast that to experiences I have had living in Europe where in the United Kingdom where broadcasting is more controlled, the children are presented a much more balanced diet of things to stimulate their imagination. I see a need in the United States for more and more computer literate and functionally literate young men and women, and the idea of presenting to them through the medium of television the challenge of electronics and computers is great if it can be done in a fun way as opposed to stuffing it down their throats.

Mr. **Leland**. For those who would read the testimony here today—for the purpose of those who would read the testimony here today, and you don't have to answer this, it is a personal question—let me ask you, do you consider yourself a conservative, liberal, or moderate business person?

Mr. **Moore**. I think I am conservative.

Mr. **Leland**. I am glad that you are, because I am glad that a conservative business person would come forward and make the kind of statements that you make, because I think that shows responsibility. Not that this is a conservative, moderate, or liberal issue, but it is important for the Congress to know that.

What potential do you think TV offers to educate children with computers and other technology?

Mr. **Moore**. Let me share with you something that I am very familiar with that goes on in this city, and it is a fairly unknown phenomena. We have a private television network here called TAGER, that links college classrooms to business locations in interactive instruction. We have used this for many years in the Dallas-Fort Worth area to provide accelerated and advanced training for engineers and computer scientists.

We have begun to play with TATR as a delivery system for providing SAT preparatory information for children in high school studying for their SAT's. We are going to look at extending that delivery system into the lower grade levels in the various schools. It is a system whereby it is two-way. It has responsiveness from instructors but there is no doubt in my mind that as a delivery, whether it be in the commercial network area or in the private or corporate television network, that delivery network will increasingly become interactive in the years ahead, and will provide tremendous opportunity for education at all levels in our society.

Whether or not we use it effectively is a concern of many.

Mr. **Leland**. One last question, Mr. Chairman.

Mr. Moore, it just struck me that the computer business is in a dire battle with the Japanese. They have produced electronic machines and instruments and I know what they have done in terms of that competition. To what extend—let me ask you first, are you familiar with what is going on in Japan with education using technology and that kind of thing, particularly for the purpose of producing young people who will eventually get involved in that competitive—that competition of worldwide producing electronic equipment and becoming the productive citizens of that country in competition of those that we produce here?

Mr. **Moore**. Two comments. First of all, in my role as association chairman I do travel to Japan at least twice a year to meet with my counterparts there, so yes, I am aware of that. Second, my company has a subsidiary in Japan operating for 15 years so I have another window into that, and very much to the thrust of your question, I am very concerned about the competitive advantage, whether it be the educational levels at the lower grade levels or the competitive advantage in producing engineering and technologists that the Japanese have and they do use every electronic medium available to them to up the level of their communications and education.

I think there is an analogy with what you are trying to do with this committee, and what we are trying to do at the trade level, and that is that you are attempting in the trade area, we as members of the electronics industry with the help of Members of Congress, we are attempting to fire a shot across the bow of the Japanese saying stop these predatory practices, live up to your responsibilities and let's play fair in the international trade balance.

That is what you are doing, you are saying look, commercial television programmer, we are going to fire a shot across your bow. We want you to play fair in the context of your stewardship of the children of the United States and I applaud that effort.

Mr. **Leland**. Thank you.

Mr. **Bryant**. Thank you very much, and thanks to Mr. Geller and Ms. Huston for traveling from Washington, DC, and from Kansas to Dallas to help complete our record today.

We will begin with the second panel of witnesses. We are very pleased to have with us today a local expert in this area, Lee Armstrong, the director of programming for WFAA-TV; and Sandra Pastoor, vice president and program manager for WTTG-TV, Washington.

STATEMENTS OF LEE ARMSTRONG, DIRECTOR OF PROGRAMMING, BELO BROADCASTING CORP.; AND SANDRA PASTOOR, VICE PRESIDENT AND PROGRAM DIRECTOR, WTTG-TV, WASHINGTON, DC, ACCOMPANIED BY PRESTON R. PADDEN, PRESIDENT, ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC.

Ms. ARMSTRONG. I am Lee Armstrong, director of programming, Belo Broadcasting Corp. We applaud as broadcasters the hearings that are allowing the interested parties here an opportunity to discuss the importance of children's programming on television. I strongly recommend that we look at not only quantity but quality of children's shows, since the real issue here is impact.

First, let me give a brief overview of the Dallas-Fort Worth television market and then discuss children's shows that are presently on the air. In 1979, there were five VHF television stations in this area, one UHF station, cable penetration was almost nonexistent, and VCR's—home recorders—were in very few homes. Today, there are still five VHF stations, with four UHF stations and two additional UHF stations that have been granted construction permits. Multitier cable systems penetrate the market some 40 percent, and home recorders are owned by almost 25 percent of Dallas-Fort Worth families. The point is, this market now has a multitude of channel options, and with that has come great diversity in almost all forms of programming—including educational fare for children. I will be more specific.

This week, the local television stations will program 36 hours of noncartoon, educational shows targeted for young people age 12 and under. These shows include: "Romper Room," "Peppermint Place," "Kidsworld," "Jim Henson's Muppets," "Sesame Street," "Mr. Rogers' Neighborhood," "3-2-1 Contact!," "Children's Hour," "Newton's Apple," and others. In addition, over 40 hours are programmed on various cable channels. Again, these shows are not cartoons but offer learning experiences and teach positive social values.

Let me share with you what we consider to be a good example of a quality local program effort. WFAA-TV produces four weekly half-hours of a children's show, "Peppermint Place." These shows are aired on WFAA-TV channel 8 Saturday and Sunday mornings. In addition, the shows are supplied free of charge to the public broadcasting station, KERA channel 13, where they are seen at 8 a.m. Monday through Friday. This joint venture has given young people a chance to see these shows in various time periods, providing not only good educational fare but also a convenience factor to parents.

Another important program development has occurred in the past few years. Shows dealing with social concerns are now being produced for young viewers. Within the last year, issues such as child and parent abuse, child molestation, youth runaways, and alcoholism have been explored on many local stations. Over the coming year, WFAA-TV will carry 14 specials of this nature as "ABC After-School Specials."

Most broadcasters are keenly aware of the entertainment and educational needs of our young people, and we are developing new and different formats. Even in creating the cartoon-format programs, producers and broadcasters are working together to develop characters and plot lines that offer positive messages about society.

We need your support—to encourage not only broadcasters but also parents to be good stewards. Parents should use the printed television supplements which are available, to learn where and when the type shows I have discussed here today are scheduled in their market.

We want parents to spend time with their children watching and discussing TV shows. We also suggest that the television not be used as a babysitter. Instead, specific guidelines should be set for when the television can be turned on.

Television is a wonderful communications tool. We believe these discussions will help us learn to use this powerful medium in an even more effective way to meet the needs of today's youth.

A copy of this statement is available to those of you who are interested, and we also have a copy of the listings of local shows to which I referred earlier.

Thank you for letting me testify.

[The attachment to Ms. Armstrong's statement follows:]

CHILDREN'S EDUCATIONAL/INSTRUCTIONAL PROGRAMMING IN DALLAS/ FT. WORTH MARKET

(NON-CABLE)

Monday-Friday (Daily)

Time	Program	Channel
5:30-6:00 AM	Romper Room	21
6:00-6:30 AM	Great Space Coaster	39
8:00-8:30 AM	Peppermint Place	13
8:30-9:00 AM	Mr. Rogers' Neighborhood	13
9:00-9:30 AM	Polka Dot Door	33
9:00-10:00 AM	Sesame Street	13
12:30-1:00 PM	Footsteps (children & parents)	13
1:00-2:00 PM	3-2-1 Contact!	13
2:30-3:00 PM	Reading Rainbow	13
2:30-3:00 PM	Fat Albert	33
4:00-4:30 PM	3-2-1 Contact!	13
4:30-5:00 PM	Mr. Rogers' Neighborhood	13
5:00-6:00 PM	Sesame Street	13

Saturday

6:00-7:00 AM	Peppermint Place	8
6:30-7:00 AM	Kidsworld	5
8:00-9:00 AM	Jim Henson's Muppets	4
9:00-10:00 AM	Sesame Street	13
10:00-10:30 AM	Mr. Rogers' Neighborhood	13

Sunday

6:00-7:00 AM	Peppermint Place	8
7:30-9:00 AM	Children's Hour	5
9:00-10:00 AM	Sesame Street	13
10:00-10:30 AM	Mr. Rogers' Neighborhood	13
10:30-11:00 AM	Newton's Apple	13

# # #

Total Weekly Hours of Non-cable Programming: 48½.

Over 40 additional hours can be seen weekly on various cable channels.

Mr. **Bryant**. Thank you very much.

If you will stand by a moment we will ask you to come back and answer questions. We were very disappointed that as these hearings were organized we did not obtain the participation of the National Association of Broadcasters.

However, we are very pleased about the fact that an organization, INTV, which is an acronym for the Association of Independent Television Stations, Inc., the stations in this country which are not affiliated with networks, agreed to participate. Here with us today is Sandra Pastoor, vice president and program manager of WTTG-TV in Washington. To introduce her is Preston Padden, president of INTV.

Mr. **Padden**. I am Preston Paddon. I would like to say a word.

As you indicated we represent 140 local independent television stations across the country and we welcome the opportunity to be a part of this hearing. It is not our purpose today to argue to the legal matters of H.R. 3216.

We are going to leave that for another meeting. Instead we hope to make a constructive contribution to your record by providing you with factual data regarding the quantity and quality of children's programming available on independent stations, and to that end we have brought you a truly expert witness.

Despite her youthful appearance, Sandra Pastoor is a veteran program executive, with a distinguished background in independent television; and she is prepared to speak from the national perspective. We share the concern for children, their future, and the television programming they watch.

We look forward to working with the subcommittee and its staff to further our common objectives.

It is my pleasure to introduce Mrs. Pastoor.

Mr. **Bryant**. Thank you.

STATEMENT OF SANDRA PASTOOR

Mrs. **Pastoor**. Good morning. Thank you again for allowing me the opportunity to talk with you about the quantity and quality of children's programming on independent television stations.

I am comfortable with the subject as a broadcast professional for 15 years, a program director for 10 years, and mother for 6 years.

As a local independent broadcaster I am not working in a vacuum, or an ivory tower. From Arbitron and Nielsen, to the friends and neighbors I meet in the local grocery store, and in my daughter's kindergarten, I get constant feedback and opinions regarding our programs.

This is true of all independent broadcasters. We live and work in our local communities and we have a personal, as well as a professional stake, in what we put on the air.

Independent stations present a very substantial quantity of programming for children. According to as recent INTV survey of 19 independent stations in 7 major markets, children's programs accounted for 13 percent of all programs—the third ranking category following movies and situation comedies.

In the 2 hours between 4 p.m. and 6 p.m. on weekdays, children's programs made up 40 percent of all programming on independent stations.

Just this week, I conducted my own informal survey of children's programs in several markets. Looking at only the independent stations, I found 62½ hours per week in New York and Los Angeles, 72½ hours in Houston, 85 hours in Chicago and 107½ hours in Dallas. And again, that is just on the independent stations.

Much of our programming is pure entertainment—after all, children do have the right to be entertained. Attached to my testimony is a press release which illustrates the enormous popularity of some entertainment programs.

I hope that you get a chance to review the parental comments in that release. They reflect an appreciation for the improved quality of children's programs.

Many newer entertainment series stress prosocial themes, and avoid gratuitous violence.

In fact, several new series such as "GI Joe" and "Thundercats" were produced under the guidance and direction of child psychologists. Often these programs summarize or repeat their theme or moral, at the end, for maximum impact.

When older program product is used, most stations undertake a careful screening process. I have personally screened and rejected hundreds of hours of programs which did not meet my perceptions of prevailing standards in my community.

In addition to entertainment, most independent stations present informational programs for children. At WTTG we air "The Great Space Coaster" each weekday at 7 a.m. This series was produced with a 10-member educational advisory board, and features characters such as "Speedreader," who teaches the joy of reading.

On Saturday mornings we broadcast "Newsbag," a local news program produced for, about, and by children. Other independent stations feature similar programs such as "Fat Albert," "Polka-Dot Door," "Romper Room," "Wonderama," "Houston Kidtalk," and "Vegetable Soup."

Many of these programs have received prestigious awards from organization of parents and educators.

Independent stations also present informational program segments, vignettes, and PSA's within popular entertainment programs. For example, in Chicago, WGN-TV includes local instructional segments in its "Bozo" show and WFLD-TV airs Popeye health and safety tips two times per hour during children's programs.

Station KTTV in Los Angeles features four outstanding series of informational vignettes entitled, "I Think I'd Like To Be," "Fun Facts," "Have You Ever Wondered?" and "It's a Good Sign."

At this point I would like to show you a very brief videotape which will illustrate some of the programs, PSA's, and community involvement which I have described.

[Video Shown.]

You will agree, I trust, that you have seen a sample of our commitment to positive attitudes and socially desirable behavior patterns for our children. These are part of our commitment to our communities and we intend to continue to honor that commitment.

I might add that the independents are eagerly awaiting many of the treasures from the Disney library which will soon be available to local stations.

Congressman Bryant and Congressman Leland, I am not here to say that we are perfect or that we can't do better. I am here to say that local independent stations care, we are trying and we want to work with the subcommittee, and other concerned citizens, to continue to meet the needs of our young viewers.

Thank you.

[Attachment to Mrs. Pastoor's prepared statement follows:]

❝Press Information❞

"SIGNIFICANT CRISIS" - BUT WITH HAPPY ENDING

It happened in Abilene, Texas, and it stirred this reaction:

" ... a significant crisis."

" ... a disaster for our household."

" ... children are crying all over town."

" ... they were just devastated."

" ... single-handedly destroyed our 4-year-old son's afternoon."

" ... my own children feel I am punishing them."

" ... (my) child cried all afternoon when she found out."

" ... it has been the talk of every grade school Mom and Dad for the last three days."

What triggered hundreds of irate letters with typical comments such as these, a 1,400-signature petition, front-page stories and columns in local newspapers, thousands of phone calls, a "mothers' march" and an eventual about-face to remedy the situation?

The dropping by station KTXS-TV of the No. 1 children's program in America, "He-Man and the Masters of the Universe"!

But thanks to the unprecedented protest -- "This is bigger than you and me," said the station Program Manager Sylvia Holmes. "It's even bigger than Classic Coke" -- "He-Man" is returning to the air in Abilene.

"It's really not just a few mothers who talked about it and got mad," Ms. Holmes said. "We have a 350-signature petition from Hardin-Simmons University students.

- more -

"If nothing else, we've learned that you can't fool with mothers in the Big Country."

Rixie Hults, one of the leaders of the drive to get "He-Man" back on the air, was quoted in the Abilene Reporter-News as saying that the power of the show is that it is a learning cartoon.

"It shows good, it shows bad," she commented. "And it has a moral. He-Man doesn't fight unless he has to, and he never kills. He honors his word and every story has a moral. One moral was to own up to what you did. Another was to listen to parents. It's something good you can talk to your kids about."

Various letters to the station cited similar reasons:

" ... please give them (the children) back their heroes, their rest time and some plain decent entertainment they are entitled to."

" ... a positive influence on my boys."

" ... kept my children entertained and helped them to relax."

" ... we need all the positive influences possible to shape young minds and values."

" ... he does not get up from the chair until it is over. I enjoy it because of the morals at the end of the cartoon."

" ... it may be a cartoon but there is a moral to the story."

" ... the children really love to watch He-Man. I have watched it and consider it a good source of knowledge for children ... teaches the child something worth knowing."

" ... good object lessons included in the storyline as well as at the end of the program."

" ... an excellent teaching aid for children."

- more -

"It is impossible for me to believe that anyone at KTXS has children," wrote one mother. "How could anyone be living under the same roof with one and have taken it off?"

Station owner S. M. Moore conceded, in a front-page newspaper article, that "we've had nothing but headaches since we took it off the air."

That led to a new agreement with Group W Productions, syndicator of the series produced by its Filmation division, to return "He-Man and the Masters of the Universe" to Abilene television.

Program Director Holmes, on the firing line for several weeks, called the protest "a great thing. It showed that people can voice their opinion and be heard."

# # # #

Contact: Owen Simon October 8, 1985

Mr. **Bryant**. Thank you very much for being here.

Mrs. Armstrong, it is always a dilemma in considering legislation like this for me anyway and I think for all for us, to know how to urge and insist on improvements without at the same time negating very well meaning and good efforts made voluntarily.

In your case, the four weekly half hour segments of "Peppermint Place" done in coordination with PBS, that is extremely good work and speaking for the half million people in this area I wanted to say thank you for that good work.

Our concern is whether or not leaving it at that is adequate. There is substantial evidence to indicate that it is not adequate. I don't think it would be adequate even in Dallas County, but nationally I don't think it is.

For example, in your testimony you refer to there being 36 hours of eduational children's programming available each week in the Dallas market. You count in that the reruns of Sesame Street in the afternoons which are the same programs that are shown in the morning hours which indicates to me that there is some duplication in your compilation.

The total you mentioned does not seem to reflect all the original programming. Also, most programs comprising this total are broadcast on public television, not commercial stations.

I wondered if you have any idea what the average amount of educational programming for children would be for only the commercial stations in the Dallas market?

Ms. **Armstrong**. I do not have figures on that.

"Peppermint Place" is on a local commercial television station, the "Children's Hour" is local. I have learned since we put together the report that KRLO-TV is doing 2½ hours a week of "Polka-Dot Door," educational programming for children. In response to what you're saying with which I agree, that we not only have a responsibility but we feel one, I don't think that we do the best job of letting it be known what we are doing and perhaps that is an area where we need improvement.

I certainly would agree with Sandra that we are not perfect, and we can do better. But I think we don't necessarily tell our own story as well as we should and could.

Mr. **Bryant**. Of course, that is what today is for, so you can tell it.

Ms. **Armstrong**. Exactly.

Mr. **Bryant**. I have a copy of your testimony here and you have included at the end of it a chart entitled "Childrens' Programming Available in the Dallas-Fort Worth Market." In the Monday through Friday category of daily television at the top you list, it looks like about eight different shows are on either in the morning or in the afternoon, that are aimed at children. I don't know how many hours that adds up to but the first thing that jumped out at me was that on Monday through Friday in the Dallas-Forth Worth area the only children's television, as it is on your chart, is on public television, with one exception, a half hour program of "Romper Room" on channel 21.

Ms. **Armstrong**. The only children's educational programming noncartoon, that is, you are right.

Mr. **Bryant**. When you calculated your figures you have relied upon, for support, public television programming rather than commercial broadcasting, which seems to make our point again. Monday through Friday there is not any educational informational programming on in the Dallas-Fort Worth area designed for children except a half hour program on one of the independent stations. All the rest is on public television.

Ms. **Armstrong**. That is definitely what the chart says. I did make a comment in here that I do want to reiterate, that I think Mrs. Pastoor addressed, that even in creating cartoon programs, which you will find in multiple hours Monday through Friday, on commercial television stations, primarily on the independents you will find positive messages about our society and you will find not only those efforts of positive messages but reinforcement of the positive message to the children, so there is no mistaking that an effort has been made to deal with the issues that Dr. Huston raised earlier.

Mr. **Bryant**. I applaud the very good efforts that you have made, but how much can we ask of Belo Corp. or WFAA, how much can we ask you to do when doing so places you at risk in the marketplace?

I think that your heart is the same place mine is with regard to serving the children, but I get paid by a different source. You have to make your money by selling advertising and you have to compete with, I think, a total of nine stations, four VHF, four or five UHF.

I am not sure we can ask you to voluntarily do that unless we require if of everybody else and expect you to do it without suffering damage to your profit and loss statement.

Ms. **Armstrong**. That is an interesting point. The question that I would have is if there is a requirement made that does indeed cover all of us, what will we have achieved?

Will we all begin competing in the same—on the same front and not achieving what we all want—the one thing that I want to point out about this is, yes, there is a lot of repetition in the programming. The programs are repeated.

I am not a professional child psychologist, but I will say to you that as an advertising professional I do know that frequency and repetition are a great part of the learning process, and I see this with my own child watching Sesame Street. More than once is a positive thing, watching the same program, and we experience this and we here about this from people who have asked us here and in other markets, the word which has come to us "can you show that at another time so we have more option in terms of scheduling?"

This is what we were trying to address here in this particular segment.

Mr. **Bryant**. I would be less inclined to object to calculated repetition if the overwhelming majority or 99 percent of all the programming on Monday through Friday was broadcast on something other than public television.

All of it is on public television.

On Saturday all of it is on public television except that which occurs before 9 a.m.

Ms. **Armstrong**. It is not just risk. It is a matter of will the programming be viewed and to what degree. Our Peppermint Place Program we have experimented with in terms of time periods occassionally and have chosen to preempt network programming on Saturday morning where we believe there would be a fairly obvious children's audience available, and have put the program in against other network fare, and we discovered that we could expect minimal return, not in terms of profit, because that program is not a profit center for us, and that is not our purpose in producing it but what we found was very minimal return in terms of the children actually choosing to watch the program when they had choices on other stations.

Mr. **Bryant**. Maybe that underscores my concern. I have already formed an opinion, obviously, or I wouldn't have introduced the bill but I don't see how we can argue to leave it to you to wrestle with in view of your obligation to your stockholders to make a profit unless we require everyone to meet a certain standard with children's programming and therefore you would share the obligation with every other broadcaster and it wouldn't be a negative for you.

Ms. **Armstrong**. The concern I would have as a broadcaster—and I don't believe I can debate the pure issue of the bill itself—but are we producing programming which an audience wishes to see. Is there going to be an audience for the programs that we produce, and, I think, that certainly is a question for debate and there are many facets to the answer.

But if we are all required to produce a certain amount of programming my question would be will it be viewed, and that does become—as I said to you, it would take it totally out of the profit motivation, we as broadcasters have a desire to see the programs we produce and the people working on the staffs who produce them have a desire to have them watched. People who produce shows want more than anything else to know that they are being seen.

Mr. **Bryant**. Your station does an excellent job. I speak as one who was once interviewed by Mr. Peppermint and the bear.

The gentleman from Texas.

Mr. **Leland**. Thank you, Mr. Chairman.

Let me ask you, are you aware of any efforts on the part of broadcasters to provide programming for children in the black or ethnic minority community?

Ms. **Armstrong**. Yes. The specifics of that, not a specific show totally devoted to Hispanics or to the black community. I believe, and I just don't have that specific information, I could tell you for sure, but I believe that programming of that type is being produced in other markets.

I am not aware of a specific effort made in this market. I have worked in other markets where the effort was made to direct portions of programming to those specific audiences.

Mr. **Leland**. Because I know that much children's programming appeals to kids of all races, but blacks and Hispanics and other minorities have specific problems particuarly where they are congregated in certain regions of the country.

Can you just testify to your opinion about the validity of that kind of targeting program?

Maybe you don't believe in it.

Ms. **Armstrong**. No; I think that pertains perfectly to what I responded to Congressman Bryant. What broadcasters look for is audiences, and if we feel there are specific targets, whether those targets be segmented by age, or by section, or by race, we certainly are interested in speaking to those targets.

I believe that Mrs. Pastoor may have some more specific information about projects that are now ongoing, but I do know that there is interest in that, and I think that I would agree with it.

I would agree at the present time that there is an audience to be served that we should study and understand what their needs are and try to find the best way to serve them.

Mr. **Leland**. The goal of the bill that has been introduced authored by John, and the chairman of the committee, and cosponsored by people like myself, is to require a certain limited number of hours of programming given, and if we can use the minority slant again, you heard my questioning of some for the witnesses prior to you—given the imbalance, if you will, of a positive role played by ethnic minorities on television, are you satisfied that there is enough programming for children in the marketplace, if you will, that will satisfy the needs of the nuturing of these minorities in a very positive way?

Ms. **Armstrong**. That is a hard question for me to answer. I am not sure that I have enough information to make that kind of judgment.

I do see a lot of positive role models in the programs like "Kids World" and "Sesame Street," certainly for all ethnic groups, and for men and for women, and I think a pretty effective job has been done in many programs in that direction. To quantify is very difficult for me without having some more information than I have at this point.

I know the reaction that we get as we produce children's programming or any programming from the public. I cannot recall being aware that there has been any demand for more placed against the stations with which I have been involved. Primarily the demand that has occurred has been in terms of availability when there was a demand and the concern that, I guess, we have felt as broadcasters is, I can remember working with a show in another market that was designed primarily for children and the staff was pretty proud of it. It was our idea and we were having a time with it and producing it for kids, about kids and with kids and part of the project was: Let's not just do a TV show for kids, let's find out what the kids think a TV show should be and while we are doing that we can let them learn about TV.

As a parent I am a big proponent of going to the young people themselves and saying to them: "what are your views of this situation?" As we began to work we had nine children representing all areas of our viewing area and a number of different parts of the community, and we would ask them to bring in at least one idea a week in addition to those that we had and had a vote on what we were doing or not doing in the show.

The parents and schools were very supportive. An unfortunate experience, and I don't mean to pick on anybody, but this is a little bit of frustration that we feel in trying to determine the needs is that we sent a show to Action for Children's Television and said, "what do you think, we would like input. It would help us. We are doing it now but we think we can do it a lot better, what do you suggest?"

We got back a tiny postcard that said, "thanks for sending your tape." That is discouraging.

I think there is a real opportunity in this area of children's programming and it would be most helpful if we could have a better dialog between people who are producing the programs and people who feel that certain needs are not being met, and there has been an effort going in that direction where in the commercial programs, the various ones that Mrs. Pastoor mentioned and others, people have gone—psychologists have gone to schools and said how can we do this together.

When our stations in Dallas work on special projects such as the recent one about teen drinking and driving, when those projects come up we don't arbitrarily, from a station point of view, decide what people want, we go to contacts in the community and say: "what can we do to expand this?" The demand is from people who say, I heard about the program and didn't get to see it, can we have a copy?

We try to provide programs to the schools or work in conjunction with KERA to feed products to them. I don't have enough information to make what I would consider to be a professional or reasonable judgment.

Is there enough? I will say that in my professional experience there has not been a good deal of demand made against stations for their to be more specifically for children.

Mr. **Leland**. Thank you.

Thank you, Mr. Chairman.

Mr. **Bryant**. Thank you very much for being here today.

Mrs. Pastoor, INTV, the organization that you are affiliated with commissioned a study that examined progamming on 19 independent stations in 7 leading markets and compared program schedules between 1981 and 1984.

It indicated that late afternoon children's programming, from 4 to 6 on weekdays dropped from 44 percent of hours in 1981 to 40 percent in 1984. That is a major concern I think because according to the FCC's last study of children's television in 1979 programming by independent broadcasters was the only area of children's television that was observed to be on the increase.

The networks were at that time and still are cutting back on children's programming.

So it is a concern to see that your study indicates that there is a decline with regard to independent broadcasters as well.

Do you agree that the study was correctly done by your organization and shouldn't we draw the conclusion that with regard to independent braodcasters there has been a cutback?

Mrs. **Pastoor**. I think I would assume that the study was correct. I would have to defer to Mr. Padden on that particular question.

Mr. **Padden**. If I could, I think our conclusion was that that study indicated there had been an increase in the number of independent stations that had come on the air in the markets and in many cases the new stations saw that the existing independents were programming children's programming in those afternoon hours and the new stations chose to try and compete in the marketplace by scheduling somethng different. So, what the percentage change mainly reflects is that new stations going on chose not to try to even compete with the same kind of children's programming but with something different in that time period.

Mr. **Bryant**. Based on other testimony that other kinds of programming is likely to be much more remunerative to the station than children's programming isn't it likely that that additional competition from those new nonchildren's programs have caused the other independent stations to reduce their programming in order to compete?

Mr. **Padden**. I think the study indicates that the independents are still doing a substantial quantity of children's programming and it is our information it continues today. Certainly it is confirmed by Mrs. Pastoor's survey.

Mr. **Leland**. Will the gentleman yield?

We heard testimony from Captain Kangaroo—I forget his real name—who said that he was, when I asked a question about, I think it was CBS, that they were on for so long, I asked a question about the good will that CBS had rendered because they kept holding on and holding on to Captain Kangaroo until CBS finally realized that they had to compete with the other two networks and something as powerful as commercialization of the news shows or whatever it was that got to be the competition for Captain Kangaroo, for something as powerful as that commercialization that came on Captain Kangaroo, finally was, I think, canceled for the weekdays and put on Saturdays, if I am not mistaken.

In relationship to the question that John has just asked, how do you compete with that when networks themselves can't compete with each other by holding or keeping children's programs on in the way that Captain Kangaroo met his fate?

Mrs. **Pastoor**. Maybe in answer to that, to reflect on some of the types of programs that are currently on, and how would you compete, there has been a lot of criticism waged at the current trend in children's programming as far as the kind of programming that is on, but what I would suggest is that those people that are waging that criticism possibly look a little further, watch a little more frequently.

If I may share with you an example which I have. "Thunder Cats," which is a new show this season, is a very action-oriented program, a very high-technology, popular show with the children, but what possibly isn't known about that show is what is involved in the show, the morals that we spoke of a little earlier or the social values that are strong throughout the theme of the show, and then reinforced at the end of the program similar to what you saw on the "GI Joe" example.

I would like to read a couple of these episodes. In one episode, it says the social order is maintained by respect for the laws and ideas of one's community. The duty of Lionel and the Thunder Cats is to carry out the code of Thundra, to live a life based on trust, justice, honor, and loyalty.

Lionel is taught to respect all life and that all living things have as much right to live as he does. Lionel learns the value of friendship and the importance of cooperation, when groups have interests in common and their welfare can be best served by joining together and sharing their talents and resources. Freedom is a basic personal right which must be respected.

Lionel learns that enslavement of others for one's own purposes is to be resisted and knows that righteousness carries its own reward. Patience is a worthwhile virtue. Acting on impulse is shortsighted and often foolhardy. Sometimes it is important to delay before acting. Thinking through a situation can save time, avoid creating additional problems and can lead to more desirable results.

I think that we are finding that the old classics are still very popular; the cartoons that we all grew up with are still on television. The new cartoons that are coming out now are much more entertaining in a certain way to children, but the producers are going to the extent of working with the child psychologists and working with the educators, and this is universal, from telepictures to Group W, getting involved and making a statement with these things that I think are important and worthwhile with our children.

At channel 5, I have screened and rejected hundreds of hours of programming, some of which we bought. For example, in buying "Tom and Jerry" there are something like 200-plus little cartoons in that show. A lot of those shows, a lot of those cartoons I think are very racist. They have ethnic slurs. They show either Hispanics or blacks in very derogatory situations.

I can give you another example. There was a cartoon which I threw out where Tom the cat went to the medicine cabinet at one point and he is popping all these pills, and then you see the hallucinogenic effects. That is not going to air on television.

Most broadcasters do that and go through their libraries so we are seeing a screening process on the old and a very important involvement process on the new, and I think with those extremes and again working together, these hearings, working with the citizen groups, that is how we are going to compete in the future as well.

Mr. **Leland**. If the gentleman would yield further, this subcommittee is going to go to Houston Monday and we are going to consider the aspects of children's programming as it relates to commercialization of those programs, the promotion of sales of images or replicas of images to the children, how that programming affects the marketplace in that sense. It is called length commercials.

Thunder Cats has toys, as I understand it, and they sell toys, Thunder Cats toys, I guess. How do you feel about that? Do you think that that is the obvious alternative to competitiveness of the commercials or the commercialized programs that compete with children's television?

Is that where we have to go to compete? Do we have to yield ourselves to this kind of commercialization or taking what some of us consider to be taking advantage of children through those promotions?

Mrs. **Pastoor**. I think the long answer to that is for your hearing on Monday, but the short answer to that is—in the beginning there was Walt Disney and Mickey Mouse, and I don't think there has been anything better produced to this date than what the studios did, and are still doing in many cases, or has been exploited, if you want to use that word, any better in the commercialized world.

I don't personally feel that that has any impact on the success or failure of a show, because I give children a lot of credit, being a mother and being an aunt, and all the other things that we all are. They are a lot smarter than we give them credit to be.

I think if the children don't like a television show, it isn't going to make any difference at all what is on the toy racks.

That is a personal opinion. I am not a child psychologist.

Mr. **Leland**. On the other hand, the incredible popularity of Mr. T such that young children had to have Mr. T dolls, Mr. T this and that for the children, they want to cut their hair to look like Mr. T. I, for one, can't criticize anybody's hair; at a time when it was popular, I had an Afro 10 feet high and people thought I looked funny, too. However, the character of Mr. T, he eventually got to be a cartoon target for the children because of the popularity of Mr. T and the A Team.

What is the scenario on that? How do you develop a scenario with that lesson to us?

Mrs. **Pastoor**. Mr. T didn't begin as a children's program. That is on the network and I am not here speaking for the network.

That is not the kind of thing independent stations are doing per se, not building a prime time series into a cartoon.

Mr. **Leland**. But you told us not to underestimate the intelligence of the children.

Mrs. **Pastoor**. Well, I wouldn't underestimate the intelligence of the children whether they were watching Saturday morning network programming or channel 5 weekday programming, but as to the thinking behind that particular series being produced, I don't know.

Mr. **Leland**. Thank you.

Mr. **Bryant**. You spoke earlier about the amount of children's programming that you had found serving some areas including this area. What proportion of the programs that you described as children's programming when you were talking about it was educational and informational content?

Mrs. **Pastoor**. I don't have specific percentages, but I can give you some examples.

Certainly, I wouldn't consider "Thunder Cats" an educational show, although I think it has educational values throughout the show, but there are just in Washington, for example, on my station, WTTG, "Great Space Coaster" every day of the week in addition to "Newsbag" being on the weekends, in addition to specials throughout the year which are for children.

There is also "Fat Albert," which I think is a positive example, because he is a positive character in terms of Bill Cosby, and talking about values and relationships and those kinds of things. So those are three shows on channel 5.

On channel 20, in the market, they do a lot of children's programming including "Romper Room," a show called "Wow," a local children's program every day, a show called "Captain 20," and they have a figure, "Captain 20," who does not only a program but also does a lot of vignettes and public service type of announcements for the children, that they produce and run throughout the day.

Mr. **Bryant**. As I said earlier, I think we would be remiss in not expressing our gratitude for the much good work done by your station and many others without any real pressure on you to do so.

The question for us is, is the quantity adequate enough when the study indicates that only an hour a week is the national average whereas children watch 4 hours a day of TV and when there is not a single regularly scheduled network children's television show on in the country? Simply reading a list of them doesn't help us address the problem.

Mrs. **Pastoor**. Well, I think that I can certainly get you figures as far as the independent stations are concerned, percentages of educational and public affairs programming breakout.

There are locally, or syndicated, regularly scheduled instructional-educational programming on independent stations across the country but I can't speak for the networks.

Mr. **Bryant**. I asked Ms. Armstrong about her chart, but your testimony included the Dallas-Fort Worth area?

Mrs. **Pastoor**. In terms of total numbers of hours, yes. I think it is important that we also know that my total number of hours and Mrs. Armstrong's information is totally different.

She is adding and calculating and basing her comments on the public television station as well as the network affiliated stations, and it does not reflect the independent stations.

My calculations are totally separate from hers. Mine are strictly the local independent stations in Dallas.

Mr. **Bryant**. If we stick with those and assuming we could use the chart that Ms. Armstrong prepared with regard to children's programming, it reveals that Monday through Friday there is only one-half hour of children's programming on in the Dallas area on a commercial station, and that is on channel 21, an independent station. All the rest of it is on public television.

Mrs. **Pastoor**. I am aware of a program on channel 33 called "Polka Dot Door," which I don't believe is on that.

Mr. **Bryant**. It is not on this chart. Has it been aired?

Mrs. **Pastoor**. Yes.

Mr. **Bryant**. Is it aired during the week?

Mrs. **Pastoor**. Yes, I believe 9 a.m. every weekday.

Mr. **Bryant**. That would then give us a total of an hour and a half a day of children's programming.

Again, it is not the good work being done, it is just to underscore our contention that we can't get this done in a widespread way if we don't begin to require it.

Mrs. **Pastoor**. I don't think she included all the independent television stations because there is also "Romper Room," "Great Space Coaster," and "Fat Albert," which is broadcast daily in the market.

Mr. **Bryant**. It says children's programming available in Dallas.

Ms. **Armstrong**. This is not complete. That is something that we have learned since this particular list was made up so she is making a good point about "Great Space Coaster," and "Fat Albert," and I mentioned when I was talking about the "Polka Dot Door" being a part of the channel 33 schedule.

Mrs. **Pastoor**. That is just the affiliates and the PBS stations?

Mrs. **Armstrong.** Primarily. Channel 21 was mentioned, "Romper Room."

Mr. **Bryant.** Maybe you could submit a revised list for the record.

Ms. **Armstrong.** We will submit a revised chart.

Mr. **Bryant.** Thank you very much for coming here and letting us give you the works with our questions and presenting us with the testimony you did.

We will now begin with our third panel.

Our first witness on our third panel is Mr. Charles Beard, the president of the Texas State Teachers Association.

Good morning. Welcome. Go ahead.

STATEMENTS OF CHARLES N. BEARD, JR., PRESIDENT, TEXAS STATE TEACHERS ASSOCIATION; JoAN SUMMERS, MISSION: AMERICAN YOUTH; MAUREEN PETERS, PRESIDENT, DALLAS COUNTY FEDERATION OF TEACHERS AND AMERICAN FEDERATION OF TEACHERS; AND JENNELLE SYMNS, PRESIDENT, DALLAS COUNCIL OF PTA'S

Mr. **Beard.** Mr. Chairman and members of the subcommittee, my name is Charles Beard and I am president of the 96,000-member Texas State Teachers Association [TSTA], an affiliate of the 1.7 million member National Education Association [NEA].

The NEA represents public school teachers, educational support personnel, and higher education faculty in each of these 50 United States.

I am very pleased to have the opportunity today to appear before you to discuss such a vital and timely topic as children's television.

NEA is pleased to bring its strong support to your bill, the Children's Television Education Act of 1985, H.R. 3216. We believe that passage of this bill, as well as its accompanying measure in the U.S. Senate, S. 1594, would go a long way toward tackling the very real concerns existing now over the issue of children and their television viewing.

As you may know, Mr. Chairman and members of the subcommittee, NEA for nearly 13 years has been in the forefront of the struggle to improve the quality of television. Teachers are particularly mindful of the fact that children spend more time watching television than they do in the classroom.

The average high school graduate will have watched an astonishing 15,000 hours of television. Yet, incredibly, there are no regularly scheduled weekday shows of an educational nature for children on commercial television.

A recent report from the National Science Board called broadcasting "the most pervasive medium of informal learning today," and called for a requirement for educational programming.

A 1985 study by the National Assessment of Education Progress found that TV viewing actually is having a negative impact on students' educational achievement. While 40 percent of fourth graders watched at least 5 hours of TV daily, the study found that those children who watch less than 2 hours per day have higher reading scores than those who watch more.

The children of America deserve more than cartoons and violence on TV. The broadcast industry and the FCC have failed to respond to the need for programming that will ensure positive educational benefits for our children.

In December 1983, the FCC not only terminated its proposed rulemaking on whether to strengthen children's television requirements, but has also weakened its already ineffective policy statement on children's programming. Commissioner Henry Rivera, the lone dissenter in this decision, called it "a terrible thing to do to a group in our society that cannot protect itself."

All broadcasters have a responsibility to children.

It is an undisputed fact, Mr. Chairman, that public broadcasting has brought our Nation's young some of the most sophisticated and beneficial television programming with an educational bent. Programs include the highly successful "Sesame Street," "The Electric Company," and others.

Yet, the Corporation for Public Broadcasting, which provides much financing for children programming on public television, has been subjected to budget cuts by the Reagan administration, which has twice vetoed the CPB authorization.

In addition, cable TV, through the highly successful Nickelodeon station, Showtime, and USA Cable, offers to children programming from which they can easily learn enjoyably.

But cable television is pay television, and both it and public broadcasting still reach only a small segment of our total population.

Neither the public broadcasting nor the cable sectors of our broadcasting industry can carry the entire responsibility for such a far-reaching and vital task as helping to educate our youth through this powerful medium.

This important broadcasting work must be a task taken on by all sectors of the industry. Our commercial networks and stations must carry their responsibility to our children as well.

This is why, Mr. Chairman and members of the subcommittee, NEA believes that the Children's Educational Television Act of 1985, by establishing a programming guideline of 7 hours per week of programming with 5 hours to occur Monday through Friday, would tremendously strengthen children's TV.

Your bill is specifically designed to meet the educational and informational needs of children. It surely represents a reasonable minimum standard for broadcasters.

Last year's predecessor to this bill, which mandated 1 hour per weekday of children's programming, drew broad support from dozens of national groups. H.R. 3216 is actually an improved version of H.R. 4097 from the 98th Congress.

First, while still mandating minimum programming standards, it provides more flexibility to broadcasting by setting minimum weekly standards, rather than daily minimums.

Second, it provides a specific enforcement mechanism to ensure that broadcasters meet the standards in H.R. 3216.

And, finally, it also addresses the growing concerns regarding program-length commercials in children's programming, especially cartoons.

NEA believes these changes improve the bill and hopes also that it will improve its chances for enactment.

NEA education awards reward the best—our appearance here today on behalf of children's television programming is timely. Less than 3 weeks ago, I was present when this took place, the NEA granted its fourth annual national education awards for radio series and television productions which advanced learning through broadcasting.

I would also add that the granting of these awards has been accompanied by a growing involvement in the past several years by NEA members within the broadcasting sector. NEA members are now acting as consultants to the broadcasting industry, as leaders within community service media projects, and as an important element in the development of educational uses of cable television.

These NEA education awards were granted to broadcasters in the public and private sectors alike. As such, they are symbolic of NEA's belief in the positive educational potential of all television programming, and are proof that quality children's programming is feasible. We fully intend to continue our encouragement of such efforts in the future.

Mr. Chairman and members of the subcommittee, I thank you once again for this chance to appear today. NEA stands ready to work with you to help the Children's Television Education Act of 1985 become law. Through its passage, we know that the educational horizons of our Nation's youth will be broadened.

Thank you.

Mr. **Leland** [presiding]. Thank you.

Our next panelist is Ms. JoAn Summers, producer of "Backyard Children's Television," Mission American Youth, and Dallas Area Christian Organization.

Thank you so much for coming.

STATEMENT OF JOAN SUMMERS

Ms. **Summers**. Congressman Leland, distinguished colleagues, I come to you today from the perspective of a television producer who has tried diligently to get quality programming for children on the air. To my dismay, I have heard the same response from station managers across this country, "You have a good program, but it won't make a profit for us."

I heard that statement twice right here in Dallas. I heard it in Philadelphia where we were replaced because the network station could make more money with Saturday bowling. I constantly came up against a brick wall called sell, sell, sell.

As a mother, a schoolteacher, and author of children's books, I grew extremely concerned in the midseventies at the ever increasing doses of violence and fantasy fed to our children on daily television. Rather than sit and wring my hands, I determined to provide an alternative kind of program. Our organization, Mission: American Youth, had already been doing work with underprivileged kids in the inner city of Houston.

I had seen these children's great yearning to have their own place to play, their own backyard, their own puppy or kitten. Those things were as far out of reach as the Moon to most of them, but they all had a television set. So my staff and I created a visual place for them and called it "Backyard."

In this special place which each child could call his own, there were pets and puppets who could teach him a workable way to solve problems, there was a highly talented cast of 12 performers who set up imaginative learning situations, and there were friends he could write to who would respond to his needs—like this child.

> Dear Backyard, my sister and me sometimes get in fights. Robbie calls me names like stupid and dummy. I haven't told anyone except for you. My mom doesn't understand. My older sister won't listen. Two weeks ago, my pet gerbil died. Part of me died, too. It is like all my happiness died. I don't know what to do, but the thing is I am shy. I don't dare talk to anyone. That is why I write to you. Love, Leanna.

This child was responded to with a letter of comfort. I ask you if Mr. Monster would take the time to respond to a child like that. But I discovered that broadcasters were rarely concerned about the caring or uplifting or educating of their audience. Only the bottom-line of making money matters.

Therefore, "Backyard" and other fine programs were relegated to the cable networks who wanted a wide variety of programs to offer in order to increase their cable markets. Our programs were cablecast all across the Nation—but only into those homes where the parents could pay to bring them in. The general public was never allowed that choice over the public airwaves except for a few independent UHF stations.

We received thousands of letters from parents all across America calling for more of what we were doing. Time does not permit me to share the pleas of these families with you. I have a whole folder of letters from parents who want more of this type programming.

"Backyard" was produced for 7 years and syndicated through 1981. Yet even today we still get letters from parents and children asking, "Where did Backyard go?" Well, we are off the air because we did not have sugar-coated Crunchies to sell or a Captain Robot to manufacture a toy line for. We offered care, not commercialism.

In my opinion, the broadcasters who have capitalized on our public airwaves have violated our public trust. They should be held responsible to reinvest some of those funds into consistent, daily wholesome programming for children. When they have been challenged by concerned citizens, the broadcasters have promised time and again to change things. These have been hollow promises.

I know that television is a business, and that businesses must make money to survive. But the use of public airwaves sets the television industry apart from other businesses. We must be more concerned for the common good. We must ask should profit-taking be at the expense of our children's minds. Must the almighty dollar always be in control?

I have seen it happen again and again—not only to "Backyard," but to other well-deserving programs for children which were dropped from local schedules because "Daytime Wrestling" or "Dialing for Dollars" brought in more money. I have been there. I know.

I firmly believe the only way we can change this established course in television is by law. I support you, Congressman Bryant and Congressman Leland, in establishing quantitative minimum hours of educational programming for children. I know the broadcasters will say, "Well, we don't have it. No such programs are available to us." Don't let them slide by with this excuse. There is an abundance of creative talent in this country. I personally know a whole list of producers who really care about kids—and just need to be given the opportunity to show it.

Thank you very much.

Mr. **Bryant**. Thank you very much for being here to testify. If you will wait, we will have questions for you.

Maureen Peters, president, Dallas Federation of Teachers.

STATEMENT OF MAUREEN PETERS

Ms. **Peters**. I am Maureen Peters, president of the Dallas Federation of Teachers. I am also speaking today representing the American Federation of Teachers, who also, along with myself and our local, heartily support the proposed legislation.

The American Federation of Teachers began its own TV program called "Inside Your Schools," which is an education magazine including topics such as getting into college and problems of adolescence, which are appropriate for teenagers to view, as well as other programs regarding educational issues which parents might be more interested in. However, this program is only aired on 100 PBS stations and 650 stations affiliated with the learning channel, so there is no national broadcasting station supporting that.

There is a favorite cartoon among teachers that shows a teacher wearing a cardboard cutout of a television over his head as he calls the class to order to make sure he gets the students' attention.

Making a classroom as exciting as a car chase and violence is a constant challenge. Teachers need help with providing the educational support system needed by children at home to achieve maximum potential. The public schools are overwhelmed with social and academic response. We need the help of public broadcasting systems to communicate a legacy of positive ideals for the next generation. We strongly support increases in educational programming for children on the commercial network.

Young children are particularly susceptible to the image of television. The potential impact of TV violence and the desensitization of children toward murder and violence is somewhat horrifying. The positive connection between this and acts of violence of children in school is brought to mind with teachers.

We would like to see at least 1 hour of these programs replaced with a program that is at the same time compelling and nourishing to children.

We commend the National Broadcasting Co. for initiating its new monthly after-school show for children called "Main Street," but it is only a start, and more is needed.

We know that many latchkey children use television as their companion when home alone. Most of the programming available for children, a responsible adult would not choose as a child's companion. The passage of the House bill would be looking at the tip of the iceberg. There are some children watching every program broadcast, and teachers know this because the children come to class and want to discuss the things seen on television.

Last but not least, I would like to say something we know, but we have to be reminding ourselves of, that if we don't act to solve some of these problems through legislation you are proposing, we are just going to compound problems for future generations.

Thank you.

[Ms. Peters' prepared statement follows:]

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October 25, 1985

Testimony to Hearing of the Subcommittee on Telecommunications Consumer Protection and Finance by Maureen Peters, President Dallas County Federation of Teachers.

I am Maureen Peters, President of the Dallas County Federation of Teachers and speaking today for the American Federation of Teachers as well as the Teachers of Dallas. We applaud your efforts to improve the quality of television for children thru HR 3216.

The American Federation of Teachers began its own television program called "Inside Your Schools." It is a first of its kind educational magazine and includes this year the following topics: "Getting Into College, and the Problems of Adolescence this program however is viewed only on 100 PBS stations and 650 stations affiliated with the Learning Channel.

There is a favorite cartoon among teachers that shows a teacher wearing a cardboard cutout of a television over his head as he calls his class to order, to make sure be gets the student's attention. Making one's classroom instruction as exciting as two car chases and one act of violence per hour is a constant challenge.

Teachers need your help with providing the educational support system needed by children at home to achieve their maximum potential. The public schools are overwhelmed with the social as well as academic responsibilities tactically if not openly assigned to them. We need the help of public broadcasting systems to communicate a legacy of positive ideals for our next generation. The American Federation of Teachers strongly supports increases in educational programing for children on the commercial networks.

Young children are particularly susceptible to the imagery of television. The potential impact of television violence in the desensitizing of children towards murder and violence is horrifying. The possible connection between this viewing and aggressive acts at school are frightening. If one of the violet programs is replaced with a program that is, at the same time compelling and nourishing you have made a great contribution to a child's life and support your nations' educational efforts.

We command NBC for initiating its new monthly after school show for children called "Main-Street," but it is only a start - more is needed.

We all know that many latch-key children use television as their companion when home alone. If one looks at most of the programming available to children, a responsible adult would not chose one of these available programs as friend or educator for his/her child.

The passage of HR 3216 is only the tip of the iceberg. We have to remind you and the broadcasters that some children are watching every program broadcast. Let us not be deluded into thinking that parents are monitoring what children watch. Teachers know this because they are constantly being drawn into conversations by children who want to talk about the program they watched last night.

To ignore our responsibility for T.V. programming and its impact on this generation is to compound our problems for the next generation.

Thank you.

Mr. **Bryant**. Thank you for being here.

Our next witness and last witness is Jenelle Symns, president of the Dallas Council of Parent-Teacher Associations.

Mr. **Leland**. Mr. Chairman, I would like to apologize to Ms. Symns for my having to leave. I look forward to hearing her testimony. I will review the testimony in the record.

I also apologize to the other witnesses whom I have not had an opportunity to question, but I want them to know that I care as much about their testimony as I do about everybody else's, but I have a plane to catch and I apologize to the chairman.

Mr. **Bryant**. Thank you. We will reconvene with you in Houston on Monday morning.

Ms. Symns, go ahead.

STATEMENT OF JENELLE SYMNS

Ms. **Symns**. I am Jenelle Symns, speaking as president of the Council of PTA's of Dallas, TX, as a concerned parent and citizen, and on the behalf of the national PTA and of the children of this great State and Nation.

The free enterprise system—along with the U.S. Constitution and our three-pronged, checks-and-balances Government—are what have made our country unique and strong. They also are what have enabled such industries as telecommunications to thrive and prosper.

Yet, as most of us know, the freedoms we as individual and corporate citizens take for granted are not really free. The price each person, each public official and each business, must pay to enjoy and protect our freedoms is responsibility.

One such responsibility is to educate future generations to take on adult responsibilities and lead our cities, States and country forward, preserving representative government and the free enterprise system.

Of course, you say. That is why we have schools.

But the schools cannot shoulder the whole burden. Most certainly, they cannot always compete successfully with the many other influences in our society that also serve to educate, both positively or negatively: Influences such as parents and families, religious institutions, peers, communities, radios, books, magazines—and that powerful and pervasive electronic marvel, television.

Indeed, we each must accept our mantle of responsibility in informing and educating today's youth. Alone, we each face an uphill battle; together we can reach the summit in the total education of youngsters. If any of us—including parents and commercial broadcasters—think such responsibility is too high a price to pay, we must ponder the price we and future generations will have to pay for irresponsibility.

Broadcasters inspired today solely by profit potentials may well find themselves incarcerated tomorrow by, at the most, an unrecognizable form of government or by, at the least, consumers who no longer are interested, active, motivated, caring and capable supporters.

Responsibility involves farsightedness.

And that is why I believe and the national PTA believes and many other committed groups believe that it is our responsibility to speak out today.

Wouldn't it be wonderful if everyone voluntarily and enthusiastically fulfilled his and her responsibility to the public good? Then there would be no need to ban cigarette advertising, no need to enforce drunk driving laws, no need to legislate the wearing of seat belts. Unfortunately, as a society we often are forced to utilize rules and regulations to protect ourselves and our children from those who do not take their responsibility seriously.

I believe we have come to that point with commercial television and children's programming. No one can deny the power television has on the minds and lives of today's young people. You already have heard and read the statistics, but:

Despite the Communications Act of 1934 requiring station owners to offer programming in the public interest; and

Despite the 1974 urgings of the FCC for broadcasters to offer a reasonable amount of educational programming; and

Despite the FCC's 1984 recognition that broadcasters have a duty to devote special programming to young audiences, today only 4 hours of commercial programming a week are for our Nation's children—a downhill slide from 10 hours in 1974.

In 1983, there were over 45 million children enrolled in U.S. schools. These children and their parents need and deserve more quality options.

In this light, I fail to see how commercial broadcasters are fulfilling their responsibility to society, to future citizens and to the laws that have granted them the right to profit from our public airwaves.

It is their responsibility—not public television's and not cable's—to pay the price of participating in our free enterprise system.

Since the broadcasting industry has failed to regulate itself—indeed, is actually seeking to abolish the Communications Act of 1934—it is time to make the offering of more instructional programming for children by commercial broadcasters a prerequisite for the privilege of being licensed to operate their stations.

Encouragement has failed.

Enactment and enforcement are the remaining alternatives to continued and, as present trends indicate, escalated irresponsibility.

Thank you.

Mr. BRYANT. Thank you very much for your very excellent testimony.

I would say that we are very grateful for past support from the National Parent-Teachers Association for this legislation in the past Congress and this Congress. I think it might be easier on all four of you and help us also meet our time for terminating this hearing if the four of you could stand four abreast by the microphone and that way you wouldn't have to jump up and down so much.

I know the National PTA is very concerned about this legislation. One of the things that the networks say is "what do we put on the air? Where are we going to get the program material?" and so forth. Would the NPTA be willing to work with broadcasters to help them determine what needs must to be met with regard to children's programming and the particular needs of children?

Ms. **Symns**. I am sure they would.

Mr. **Bryant**. I understand your national office has experts in this kind of thing who are quite available to help anybody in that area. I would like to know if any of your groups have ever attempted to work directly to accomplish any positive change in the television area such as contacting programmers, broadcasters or the FCC and if so how your efforts have faired starting with Mr. Beard.

Mr. **Beard**. Our efforts have mainly been in trying to recognize quality programming where we take interests from broadcasting stations in all television, all medias and we give awards for this. This is the third year we have done this in a row. The presentation that is put together to show the award ceremony was most impressive.

There is some fine work being done but not very much of it is being done is the problem. That quality needs to be extended and certainly this is a step in the right direction. I would say that NEA certainly has expertise available to assist in trying to improve the quality of children's programming.

Mr. **Bryant**. Ms. Summers, I know part of your answer but you might reiterate for us.

Ms. **Summers**. A lot of times the station managers that I talk to countered with the fact that they were doing their own inhouse, we are working on it or have plans for it so we don't need this program because we are doing our own thinking and most times I would say that I never saw that program aired.

Mr. **Bryant**. Ms. Peters.

Ms. **Peters**. The program that the AFT developed was to answer what the AFT felt was a need for the community to understand some of the educational programs that were succeeding in the various public schools and to address educational issues or concerns that older children might have, like getting into college. However, as far as the programming for younger children is concerned I know that they would certainly have people available to assist in that area.

They have a department that deals with recognition of programming for children.

Mr. **Bryant**. Ms. Symns, has the PTA, either locally or nationally, as far as you know, ever attempted to work directly to accomplish any positive change in programming, for example by contacting the programmer or broadcasters or the FCC?

Ms. **Symns**. As far as I know the council has not addressed that.

Mr. **Bryant**. What do you think would happen if we established a quantifiable guideline for children's television, what kind of programs do you think would emerge as a result of passage of a statute like that, if you have an opinion?

Mr. Beard.

Mr. **Beard**. I think the sky is the limit really. Cartoons are not the answer to everything in the world. Certainly science has been presented—there are excellent science programs on television programs. Maybe the format needs to be jazzed up a bit, but that type program would be very successful with children because it is a subject that they are naturally curious about.

Certainly that would be one area that I could see television moving into very easily. The example that they showed today using some of the programs to get points about safety and things across, this could be done very easily in many subject areas that are taught at school I think to reinforce what teachers try to do in a classroom.

Mr. **Bryant**. Ms. Summers, what do you think about this?

Ms. **Summers**. I really commend you and I think it would be wonderful because I think it would open up and give funds to producers to be able to do things that they want to do but are not able to do now because they keep getting this wall, is not marketable or viable, and yet, when the commercial broadcasters come before you they constantly mention Sesame Street, which is not a commercial program.

It is funded. If the broadcasters were required to put funds into programming and into allowing producers to come up with good programming why can't there be more than one Sesame Street, why can't there be all kinds of good programming for children?

Someone mentioned that Sesame Street had 85 percent penetration of the children's viewing audience. That shows that there is a great need for more of this kind of programming.

Mr. **Bryant**. Backyard Children's Television was a program series that you developed?

Ms. **Summers**. Yes. We did 150 half-hour shows.

Mr. **Bryant**. What is your relationship with Mission American Youth?

Ms. **Summers**. Mission American Youth was the organization that we established when my husband was a social worker in the inner city of Houston and we saw people who needed help and so we established this nonprofit corporation in order to have camping programs, it was fundraising organizations in order to have a nonprofit organization that could provide funds for inner city children to do various kinds of things. Backyard Television is simply under the umbrella.

Mr. **Bryant**. Are you religiously affiliated?

Ms. **Summers**. Mission American Youth is not, no, but Backyard did have spiritual overtones because I believe that most moral programming has to depend on Judeo-Christian ethics of this country and I know a lot of people don't agree, but that was the direction it went.

Mr. **Bryant**. I do agree with you.

Ms. **Peters**. I think it opened a door to exciting growth. I think teachers are aware of production ideas and experiences they can provide for children but most teachers in a normal school today don't have time for that production. They know what children would respond to so I think the opportunity to do something fantastic is just really exciting.

Mr. **Bryant**. Mr. Beard, Ms. Summers, Ms. Peters and Ms. Symns, thanks for taking time to come here in the public interest to express your opinions about a very important issue. Your testimony has been taken by a court reporter today. It will be printed and become an official part of the record of the Subcommittee on Telecommunications in the Congress. With that, the Subcommittee on Telecommunications stands adjourned subject to the call of the Chair.

[Whereupon, at 12:30 p.m., the subcommittee adjourned subject to the call of the Chair.]

COMMERCIALIZATION IN CHILDREN'S TELEVISION PROGRAMMING CONTENT

MONDAY, OCTOBER 28, 1985

House of Representatives,
Committee on Energy and Commerce,
Subcommittee on Telecommunications,
Consumer Protection, and Finance,
Houston, TX.

The subcommittee met, pursuant to notice, at 9:55 a.m., in city council chambers, Houston City Hall, 901 Bagby, Houston, TX, Hon. Mickey Leland, presiding; Hon. Timothy Wirth, chairman.

Mr. Leland. We are going to get started now.

Let me welcome all of you here who are participants and those of you who are just here as audience, to this hearing on commercialization in children's television program content. Let me also welcome our colleague, John Bryant, who represents a district in Dallas, whose idea this was for us to do a hearing in Dallas—we did that on Friday—and the hearing here.

Before the advent of public television less than 20 years ago, TV broadcasting was not referred to as commercial television. It was referred to as television. It was just television. There was not any noncommercial programming, there was not any cable. So we just simply called it TV. Commercial television is the heart and soul of American broadcasting. Commercials form the financial backbone of the broadcasting industry. And I want to make it clear from the opening of today's hearing that neither I nor my colleague, Mr. Bryant, intend to offer any indictment against the proper use of television commercials to support children's programming.

Our concern, however, which we wish to explore today is that the products' appeals which previously have been reserved for commercial segments are now spilling over into children's program content. The term "program-length commercial" is becoming a common part of the vocabulary of both television broadcasters and toy manufacturers. It refers to children's television programs that are designed primarily to sell toys or other program related products to children.

In the past, it was not unusual for toys to be marketed based on characters from top children's programs. But that was after, after the program became a hit. The new approach is to introduce a children's program with a line of toys alongside, both of which hit the market together.

Even though the children are entertained, the purpose of these programs, clear and simple, is to sell products to children. And in some cases, it is not just the toy manufacturer who benefits when the products are sold. Some program-length commercial arrangements now allow the broadcasters who air the programs to share in the profits from the toys which are sold.

In the best of circumstances, television advertisement to children is a sensitive, sensitive issue. Children are not simply small adults; that is, they do not understand the things in the world in the same way adults do. When they are young, children fail to recognize that commercials are designed to persuade them, to sell them something, to manipulate them into a desire for the advertised product. Ask the 3- or 4-year-old why the commercial for a He Man Doll is on TV, and they will probably answer, "Because it's a great toy."

With adults, we assume that a view can recognize a commercial pitch, and with that recognition, then assess the product claims and appeals in a somewhat skeptical light. Young children, on the other hand, do not have the benefit of such a defense mechanism. With this in mind, the FCC in 1974 established guidelines that called for broadcasters to maintain a clear separation between programs and commercials during children's viewing hours. Their goal is to offer some sort of protection against commercial persuasion to children, and their decision resulted in an end to certain types of advertising practices, such as wholeselling.

Wholeselling is when a popular character is featured in a commercial placed in the middle of a program in which the same character stars. So that means that we do not have the commercial with He Man telling the kids it's fun to play with a He Man space copter in the middle of a "He Man" show.

So what do we get instead? We get 30 minutes, 30 minutes of He Man flying around in his space copter. We call that a program and we say that is OK. Who needs commercials? As long as children's programs have been on television, there have been products designed to cash in on the success of popular program themes or characters. But in the past, the product came after the program, not before, and not as a part of a well coordinated marketing effort designed to have both introduced at the same time, thereby promoting one another.

Now that the first few examples of this type of program have been so successful, there are literally dozens of competitors who want to join in the profits that are so easily generated by selling kids on program-related toy products. Before, an advertiser had 30 or 60 seconds to sell a child a product; now they have 30 minutes. It is not surprising that the format works. And, in fact, it works so well that it now threatens to literally dominate all of children's television.

There are a lot of questions we need to be asking, questions we need to ask about this situation, and that is why we are conducting this hearing today. I want to know how children respond to these types of programs. I want to know how the promotion products within the children's program content affects the quality of those shows. Most of all, I want to know if these programs are in any way contrary to the public interest.

If a writer is creating material for a children's program, he has two primary tasks: To create a scene that will attract children's attention, and to convey some sort of prosocial message. When you add a third task to this formula, that of portraying a toy product in a favorable light, the other two considerations are likely to get less attention.

This concern is by no means conjecture on my part. It is indeed a concern that has already been echoed by some in the creative community who write children's program stories. According to press accounts, some of these toy companies that market the products associated with program-length commercials maintain absolute creative control over every single event in the program. They use scripts to ensure that their merchandising efforts are supported by the maximum number of depictions of their product. For example, Newsday magazine reported that one toy company was successful in getting a studio to include in its cartoon program virtually every vehicle in the toy line. And that was accomplished in only five episodes. Next week, they probably are going to showcase a garage to keep them all in.

If you are angry about this practice, do not get mad at the toymakers and TV broadcasters because it seems to me that at least part of the blame must be shared by the FCC. They are the ones who are charged with the responsibility of regulating this type of activity, and they have already said they do not want to be involved. Just last year, they threw out every restriction having to do with commercial television. The marketplace can best decide how many commercials are too many, so they said. We all know how well their marketplace opposed to encouraging children's television has worked, don't we?

What does all this mean for kids and TV? It means that broadcasters who have never been too anxious to provide much programming for children simply because such programs don't make much money can now put on some programs that will turn a profit. But the profit they will generate will come from toy sales. And I am not quite sure that programming that sells toys is what we ought to be providing for our children.

Broadcasters have a special responsibility to meet the program needs of children. That is part of their public interest obligations, and those obligations are still a part of a broadcast license.

Today, we want to examine in detail the problems that might be associated with these so-called program-length commercials. We also will discuss the Children's Education Television Act, H.R. 3216.

Now I would like to yield to my colleague, my good friend from Dallas, the Honorable John Bryant.

Mr. JOHN BRYANT. Thank you, Mr. Chairman.

I thank you for bringing this hearing to Houston to help shed light upon a very very important subject that we had an opportunity to have a hearing on in Dallas on Friday morning.

I thank you for bringing the hearings to Houston today. I think it is critically important that we take this hearing process to the whole country. We conducted it only in Washington in the last Congress. I think that the public is very much concerned about this area of inquiry, and I think that if the public would be allowed to speak its mind, they would be very much in favor of the direction in which we are going.

It is a good thing that we are having this hearing today in Houston and hearing from the experts who have been brought forward on this particular aspect of the matter.

Children in America today watch over 15,000 hours of television by the time they graduate from high school, which is more time than they spend in the classrooms. And we discovered, as the subcommittee's studies have indicated, that commercial broadcasting stations across the Nation average only 4 hours a week in educational informational broadcasting aimed at children.

I think the question today, the question facing the Congress, and it has already been answered by the FCC, I'm afraid; is whether or not we are going to continue to let commercial television feed a diet, a steady diet, of gratuitous violence, exploitative sex, and greed to our children. Are these the diet of things they are going to view day in and day out or, are we, as the public policymakers for the country, going to act in the public interest and insist that commercial broadcasters meet their obligation to the public by providing quality, educational, informational programming, at least part of the time to American children?

The FCC has—as Congressman Leland mentioned a moment ago—abandoned the field entirely. It is incredible that they have done so. I think all of us agree that deregulation is a good thing in many many areas. We all also agree that there are some areas in which requiring regulations in the public interest is a necessity. One of those areas, obviously, if the results of the free market with regard to children's television are not clear—by now, they should be—one of those areas, obviously, is the area of children's television.

The legislation we will discuss today simply seeks to require that the broadcasters air only 1 hour a day, that is, 7 hours a week of broadcasting of educational and informational nature for children. The part of the bill that we are having hearing on today relates to the area that was very well explained by Congressman Leland a moment ago, and that is this new, and I think even more abusive practice, of program-length commercials.

H.R. 3216, sponsored by Congressman Leland and myself, and also Chairman Wirth, would force the Federal Communications Commission to do what it should do on its own anyway; and that is to conduct a formal inquiry into the issues and potential problems; that is, to study the issues and the potential problems raised by program-length commercials being aired today for the purpose of selling products; that is, the purpose of inducing children to go to the stores and buy products.

The FCC overlooked these issues in the 1984 Broadcast Deregulation Order. They declined to address them when Action for Children's Television filed a petition complaining about program-length commercials. And I think that if these program-length commercials continue to proliferate, there will even less room for educational content in broadcasting, which is our goal in H.R. 3216.

Thank you.

Mr. Leland. I would like to thank the gentleman from Dallas for his vision to inspire this hearing, I might add.

Let me now call on the first witnesses. The procedure will be this. We will have each witness from each panel come forward one at a time to testify at the microphone here in front of me. And as the witness will complete—when the witness has completed his or her testimony, I would ask the witness to please come around us and be seated at the last seat over here. We will use the last three chairs over here for the purpose of our questioning the witnesses at the appropriate time.

So why don't I call on our first witness from the first panel. That is Dr. Ellen Wartella, who is with the Gannett Center for Media Studies. This young lady is from the University of Illinois.

Dr. Wartella.

STATEMENTS OF ELLEN A. WARTELLA, PH.D., FELLOW, GANNETT CENTER FOR MEDIA STUDIES, COLUMBIA UNIVERSITY; JENNINGS BRYANT, UNIVERSITY OF HOUSTON, SCHOOL OF COMMUNICATIONS; AND JOSEPH TUROW, ASSOCIATE PROFESSOR OF COMMUNICATIONS, PURDUE UNIVERSITY

Ms. **Wartella**. Good morning.

I am a communications researcher who has specialized in research on how children of different ages make sense of television programming. Most of my research in the past 12 years has focused on children's reactions to and understanding of advertising. In particular in this research, I have examined how children from different age groups distinguish between television advertisements and television programming. I wish to discuss this research today.

When children watch children's television, such as Saturday morning, they are presented with a variety of types of programming content. Sandwiched between the cartoon and live programming are commercial advertisements, public service announcements, station identifications, news briefs, and promotions for other programs. Children watching such programming need to be able to identify the different kinds of content and, one would hope, to be able to understand the purpose of such content. The ability to make discriminations gradually develops as a result of the growth in children's general cognitive abilities, their knowledge of the social world, and their experience in watching television with family and friends. That is, during the first 7 or 8 years of life, children only gradually understand the medium of TV. In particular, they only gradually come to understand television advertising.

There have been a variety of studies utilizing different kinds of measures which over the past 12 years have demonstrated fairly well that children about 5 or 6 have difficulty correctly identifying and understanding TV advertisements; in particular, in distinguishing advertisements from programming.

In addition to this general finding, several studies more recently in the last several years have examined the effectiveness of various program/commercial separators, such as those used on network television for aiding children's discrimination between advertising and programming. In these studies, they have not always found these separators to be successful. But when they are successful, it is the result of the explicit—both visual and verbal explicitness—identifications of the shift between a program and an advertisement.

In the research that has been done to date, none has assessed how children interpret the program-length commercial content. It seems to me that there are reasonable sorts of inferences about the influence of these practices might be drawn. In particular, the subcommittee has raised a question of whether such practices may have impact on children's ability to distinguish programs from commercials. As has been argued elsewhere in discussions on children's advertising, the ability to identify advertising content is necessary to allow children to cognitively examine commercial messages. If we would like our children to recognize the self-interest of advertisers and, thus, to become wary as consumers, such critical viewing of advertising requires children to be able to at least identify the advertising content and distinguish it from programming on television.

Again, although no direct research on how children interpret such commercial content of programs has been conducted, the evidence to date on program commercial discrimination would suggest that these program-length commercials may hinder young children's abilities to make such discriminations.

The most relevant research conducted here is a recent study on host-selling practices. Again, in this study, the use of a host-selling technique, whereby a Flintstone's product was advertised through a commercial embedded in a Flintstone's cartoon. This technique reduced 7- and 8-year-old, as well as 4- and 5-year-old children's abilities to distinguish programs from commercials. One might reasonably infer that the situation created in this experiment is not too different from the practice of promotion of characters' toys and other products through a television program starring such trade characters.

Indeed, that He Man, Gobots, and other toy characters are featured as characters on children's television programs certainly suggests that program producers want to capitalize on children's interest in these characters through as many promotional outlets as possible. Moreover, what evidence does exist suggests that such characters may act like celebrity endorsers and that the use of such endorsers in children's advertisements does indeed increase children's desire for the advertised product.

In short, I do believe that the increase in commercialization of children's television through the use of concurrent use of character toys and television programs can serve to confuse young children and their ability to discriminate programs from commercials. Furthermore, I do believe that such practices are not in the spirit of the 1974 FCC policy statement mandating that all broadcasters should maintain a clear separation between programs and commercials.

Thank you.

[The prepared statement of Ms. Wartella follows:]

Ellen A. Wartella, PhD
Fellow, Gannett Center for Media Studies
Columbia University, 2950 Broadway
New York, New York 10027

I am a communications researcher who has specialized in research on how children of different ages make sense of television programming. Much of my research for the past twelve years has focused on children's reactions to and understanding of television advertising. In particular, in this research (Ward, Wackman and Wartella, 1977; Wartella, 1980) I have examined how children of different ages distinguish between television advertisements and television programming. I wish to discuss this research for children's abilities to distinguish between television commercials for toys which are now the focus of programs on children's television, the so-called program-length commercial.

My testimony is divided into three parts: (1) research evidence on age-related differences in children's abilities to distinguish television programs from television commercials; (2) research evidence of the kinds of program elements which have been found to hinder young children's abilities to distinguish programs from commercials on television; and (3) implications of this research for the issue of program-length commercials and the likelihood that such program-length commercials may hinder young children's abilities to distinguish programs from commercials.

Part I: Age-related Differences in Children's Abilities to Distinguish Programs from Commercials.

When children watch Saturday morning network children's television, they are presented with a variety of types of programming content: sandwiched between the cartoon and live programming content are commercial advertisements, public service announcements, station identifications, news briefs and promotions for other programs. Children watching such programming need to be able to identify the different kinds of content and, one would hope, be able to understand the purpose of such content. The ability to make such discriminations gradually develops as a result of the growth in children's general cognitive abilities, knowledge of the social world and experience watching television with family and friends. That is, during the first seven or eight years of life, children acquire an understanding of the medium.

Since the early 1970's there have been several studies of age-related trends in children's abilities to distinguish among the different kinds of content on television. Almost all of this research has focused on children's abiliites to distinguish TV programs from television commercials. As was noted in the 1974 Federal Communications Commission Children's Television Report and Policy Statement, there was sufficient evidence at that time to require that broadcasters maintain a clear separation between programs and commercials because of young children's difficulty in identifying the advertising content. A recent paper by Dorr (1985) reviews several studies examining four- to twelve-year-old children's abilities to distinguish among the variety of different contents on children's television, including commercials and programming. Importantly, these studies utilized several different kinds of measures, both verbal and non-verbal, including: observations of children watching tapes presenting programs, separators, and commercials and raising their hands for commercials; and actions having children retell the program story choosing photographs from the program and from the adjacent commercials; and asking children to provide a label for a photograph of a commercial broadcast within a program segment. She notes that there was considerable improvement in children's abilties to correctly identify the different programming content as children grow older, and in particular, it is between six and eight years of age that the greatest improvement is noted. For instance, when the children are asked to raise their hands when a commercial comes, one study noted that 39 percent of four-year-old children failed to raise their hand for a commercial compared to 18 percent of six year olds and 18 percent of eight year olds (N=83) (from Dorr, 1985).

A slightly different technique for measuring children's abilities to distinguish the program from commercials was used by Gianinno and Zuckerman (1977). They found that only about 50 percent of the four-year-old children they interviewed could, in eight of ten paired comparisons, correctly pick out a picture of a television commercial character paired with a television program character. On the other hand, nearly all of the seven-year-old children they interviewed could recognize the commercial characters in all ten paired comparisons. When asked to choose the picture of a character who showed products on television, nearly all of both the four- and seven-year-old subjects demonstrated at least 80 percent accuracy.

When other measures are used, including verbal measures of children's identification of commercial content, fewer than 50 percent of children below age eight have been shown to be able to correctly identify a commercial (as reviewed by Wartella, 1980).

It was on the basis of such evidence that the FCC called for clear separations of programming from advertising content. Saturday morning television has subsequently incorporated different kinds of program/commercial separators (such as audio announcements "and now back to our program..."). Research evidence accumulated since the late 1970's generally fails to demonstrate the effectiveness of such separators in aiding young children's discrimination of programs from commercials on television. In addition, other program factors, in particular the use of host-selling practices, have been examined for their influence on children's discrimination ability. In the next section this research will be reviewed.

Part II: Programming Elements which Aid or Hinder Young Children's Abilities to Distinguish Programs from Commercials.

Several studies have examined the effectiveness of various program/commercial separators for aiding young children's discrimination between the advertisement and the program. In an early study, Palmer and McDowell (1979) examined the success of the three U.S. networks' attempts to make a clear separation between programming and commercials as required by the FCC in 1974. Sixty kindergarten and first grade children were assigned to one of four viewing groups--a control group which viewed a television program and commercials with no separators, and three experimental groups, each utilizing each of the three networks' program/commercial separator formats. The videotape was stopped at predetermined points during the commercials and the program, and the children were asked whether what they had just seen was part of the show or part of the commercial. Children in the control group were able to distinguish programs from commercials as well as children in any of the experimental groups, correctly identifying commercials in about two-thirds of their response opportunities.

Stutts, Vance and Hudleson (1981) suggest that both the type of program commercial separator and the age of the child should affect the speed with which commercial information within a program is recognized. One hundred and eight three-, five- and seven-year-old children viewed a Bugs Bunny cartoon containing a Nestle's "Quick Rabbit" commercial. The children were assigned to one of three viewing conditions: 1/2 second of black between program and commercial, an audio separator with unrelated video or titles, or an audio-video separator with related titles. With the exception of the seven year olds, speed of recognition did not appear to be a function of separator type; however, for the seven year olds only, the audio-visual separator appeared to be most effective in increasing speed of recognition. There was no difference in the ability of the five and seven year olds to distinguish between program and commercial, although the three year olds appeared to have considerable difficulty with the distinction.

Butter, Popovich, Stackhouse, and Garner (1981) also attempted to assess preschoolers' discrimination of program and commercials and to evaluate the effectiveness of several separation techniques. Eighty preschool children (four and five year olds) were divided into two equal groups, and assigned to one of four treatment conditions. All children viewed a thirty-second commercial inserted within a segment of "Captain Kangaroo," with either an audio-visual break, an audio break, a visual break, or a blank separator between program and commercial. The children were instructed to let the experimenter know if a commercial was expected, in addition to informing the experimenter "when something different from the 'Captain Kangaroo' show comes on." Older children recognized more commercials than younger children, although the younger children performed better than chance. Also, for older children, audio separators appeared to be most effective in priming a child to the onset of a commercial, although only thirty percent of the older children responded during this period.

Levin, Petros, and Petrella (1982) attempted to assess the effect of the visual and auditory attributes of a message on preschoolers' ability to correctly identify programs and commercials. Seventy-two preschoolers (three, four, and five years of age) viewed three videotapes (audiovisual modality, audio modality, and visual modality), each containing a random order of fourteen TV program segments, seven children's commercial segments, and seven adult commercial segments (for a total of eighty-four segments). Each segment was ten seconds long and the children were asked to identify each segment as a "commercial" or a "program." Five year olds (79 percent) identified segments better than three (66 percent) or four year olds (74 percent), although correct identifications were significantly above chance at each age level. The three and five year olds showed no modality preference, while the four year olds performed best on the audio-visual mode. Children's commercials were easier to identify than adult commercials for the five and four year olds and programs (62 percent correct) were more difficult to identify than commercials (77 percent), possibly due to the unusually short segments utilized.

Lastly, one study, a dissertation by Kunkle (1984) has examined the use of program-commercial separators as well as another program element, host selling, for their influence on young children's abilities to discriminate programs from commercials. He randomly assigned seventy-two four- and five-year old children and eighty seven- and eight-year old children to one of two videotape treatment conditions: a host-selling condition in which a Flintstones commercial is viewed with a Flintstones cartoon (or a Smurf commercial with a Smurf cartoon) and a non-host-selling condition in which commercials for a particular character are not embedded in cartoon shows featuring that character. In addition, the videotapes included a standard network program/commercial separator.

Post-viewing measures of the children's abilities to distinguish the programs from commercials were taken in two ways: (1) children were shown pictures of parts of the TV program and a picture from the commercial and asked to order the pictures and tell what happened on the show; (2) children were shown a picture of the commercial and directly asked whether this was part of the show, a commercial or something else. Under direct questioning, only 83 percent of the younger, four- and five-year-old children were able to correctly identify the commercials compared to 91 percent of the older, seven- and eight-year-old children. When the story telling task was used, 27 percent of the younger children noted that the commercial photograph was not part of the program story, compared to 53 percent of older children.

Moreover, both age groups of children were affected by the host-selling practice such that those children in the host-selling condition showed lower abilities to distinguish the programs from commercials on both tasks. For instance, under direct questioning, 76 percent of the younger children in the host-selling condition correctly discriminated the programs from commercials compared to 91 percent of the younger children in the non-host-selling condition. For older, seven- and eight-year-old children, the differences were that 85 percent in the host-selling conditions correctly discriminated the program from commercials and 97 percent of the children in the non-host-selling condition did so.

Thus, the evidence which has accumulated on at least two program/commercial elements which might aid or hinder young children in their attempts to identify a television commercial and discriminate programs from commercials suggests that young children, in particular those below ages seven or eight, do have difficulty discriminating programs from commercials. Moreover, not all program/commercial separators aid young children in making these discriminations; those which explicitly, both verbally and visually, identify a change in content would seem to be more helpful in aiding children's discrimination. Most importantly, in at least one study, that of Kunkle (1984), the practice of host selling, where a television program character such as the Flintstones or Smurfs is shown in a commercial for a product within a character's program, seems to hinder young children's abilities to identify the commercial. This latter study may be the most directly relevant to the issue of program-length commercials on children's television.

In the next section, the implications of this research will be addressed.

Part III: Implications of the Research Evidence on Children's Ability to Discriminate Programs from Commercials for the Issue of Program-Linked Commercials.

An issue addressed in H.R. 3216 is that of the so-called program-length commercials, or the promotion of toys or other children's products through children's television programs. Although none of the research I have reviewed regarding children's discriminations of television advertising and programs here directly assesses how children interpret such commercial-length programming content, reasonable sorts of inferences about the influences of such practices might be drawn. In particular, the Subcommittee has raised the question of whether such practices may have an impact on children's abilities to distinguish programs from commercials. As has been argued elsewhere in discussions on children's advertising, the ability to identify advertising content is necessary to allow children to critically examine the commercial messages. If we would like our children to recognize the self-interest of advertisers, and thus to become "wary" consumers of advertising, such critical viewing of advertising requires that children be able to at least identify the advertising content and distinguish it from other programming on television.

Again, although no research directly examining how young children interpret such commercial content of programs has been conducted, the evidence to date on program/commercial discrimination would suggest that such programming practices may hinder young children's abilities to make such discriminations. The most relevant research evidence here is the Kunkle dissertation on host-selling practices. Again, in this study the use of a host-selling technique, whereby a Flintstones product was advertised through a commercial embedded within a Flintstones cartoon, reduced seven- and eight-year-old, as well as four- and five-year-old children's abilities to distinguish the programs from the commercials. One might reasonably infer that the situation created in this experiment is not too different from the practice of promotion of characters' toys and other products through a television program starring such trade characters.

Indeed, that HeMan, Gobots and other toy characters are featured as characters on children's television programs certainly suggests that program producers want to capitalize on children's interest in these characters through as many promotional outlets as possible. Moreover, what evidence does exist suggests that such characters may act like celebrity endorsers and that the use of such endorsers in children's advertisements does increase children's desire for the advertised products (Wartella, 1984; Kunkle, 1984).

In short, I do believe that the increasing commercialization of children's television through the concurrent use of characters for toys and television programs can serve to confuse young children in their ability to discriminate programs from commercials. Furthermore, I do believe that such practices are not within the spirit of the 1974 FCC Policy Statement mandating that broadcasters should maintain a clear separation between programs and commercials.

References

(1) Butter, E.J., Popovich, P.M., Stackhouse, R.H., and Garner, R.K. Discrimination of television programs and commercials by preschool children. Journal of Advertising Research, 1981, 21, 53-56.

(2) Dorr, A. Developmental changes in reaction to television content. Paper presented to the Biennial Meeting of the Society for Research in Child Development, Toronto, 1985.

(3) Kunkle, D. Children's understanding of television advertising: The impact of host-selling. Unpublished doctoral dissertation, University of Southern California, 1984.

(4) Levin, S.R., Petros, T.V., and Petrella, F.W. Preschoolers' awareness of television advertising. Child Development, 1982, 53, 933-937.

(5) Palmer, E.L., and McDowell, C.N. The program commercial separators in children's television programming. Journal of Communication, 1979, 29 (3), 197-201.

(6) Stutts, M.A., Vance, D., and Hudleson, S.P. Program-commercial separators in children's television: Do they help a child tell the difference between "Bugs Bunny" and the "Quik Rabbit?" Journal of Advertising, 1981, 10, 16-25.

(7) Wartella, E. Individual differences in children's responses to television advertising. In E.L. Palmer and A. Dorr (Eds.), Children and the faces of television. New York: Academic Press, 1980.

(8) Wartella, E. "Cognitive and Affective factors of TV advertising's influences on children" Western Journal of Speech Communication, 1984, 48, 171-183.

Mr. **Leland**. Thank you very much. And if you would just come forward and have a seat in the chair over there, we would appreciate it.

Our next witness is Dr. Jennings Bryant, University of Houston. He is head of the communications program here in Houston. And I certainly want to thank him and welcome him to participate in our hearing today.

STATEMENT OF JENNINGS BRYANT, PH.D.

Dr. **Bryant**. To provide you a little bit of background, I am editor of three scholarly books which relate to this particular topic: one, "Children's Understanding in Television," from Academic Press; "Prospectives on Media Effects," from Lawrence Erlbaum; and "Selected Exposure to Communication," from Lawrence Erlbaum. I also am working on a book on television and the American family right now. And on the other side of the fence, I am cofounder and co-owner of a company that produces children's television programming for the home video cassette market. So I have a mixed background there.

In contrast to the previous presenter, I will focus on the findings of a single, empirical investigation. This study examines the effects of the exposure to so-called program-length commercials upon young children's purchase decisions.

In this investigation, the program-length commercial utilized in testing was an episode of "The Transformers." Transformer products are produced by Hasbro and the Transformer television program is produced by Sun Bow Productions. "The Transformers" was selected for three reasons. First, it is a widely viewed television program. For example, in Houston, where the program is carried as a weekday afternoon 4:30 to 5 strip on Independent Television Station KTH, its first day rating was 8.4 with a 20 share. Second, the diverse Transformer toy line has been immensely popular among boys and it represents all of the marketing attributes that normally go along with program-length commercials. And, finally, I was able to get two 30-second product commercials for Transformer Insecticons at the time the Insecticons were introduced and prior to the time the product commercials were aired in the Midwestern market in which the study was conducted.

Eighty 5- and 6-year-old boys enrolled in after-school day-care programs watched television programming in a controlled setting for 1 hour. Viewing was in small groups of no more than five. The programming was arranged in four experimental exposure conditions. First, program-length commercial only: the Transformer program employed included the robot Insecticons, with the Insecticons being essential to the plot and action. The Transformers was presented complete with commercials, as aired. The remaining half hour's programming was comprised of an animated Tarzan selection, typical product commercials as aired during that program, and station ID's and promo's.

Second, product commercials only: two 30-second product commercials for Insecticons were embedded in a She-Ra animated program. The remaining programming—that is, Tarzan—was presented as previously described.

Third, program-length commercial plus product commercials: the Transformers program featuring Insecticons was employed as described. The two Insecticon product commercials were embedded in the Tarzan programming.

And, four, control: the subjects watched She-Ra plus Tarzan without Insecticon commercials.

Two measures of purchase behavior were employed to assess the relative impact of each exposure condition. The first was a role play, forced-choice purchase situation. After they had watched one version of the experimental materials, the experimental subjects in the K-1 after-school classes were given tokens, which were coded by exposure conditions, as a reward for viewing the programs. They could use the token to buy any 1 of 10 relatively equal value toys. The toys were displayed in their normal packaging in a makeshift store at the day-care centers. One type of Insecticon Transformer was offered as 1 of the 10 purchase options. A record was made of what each subject purchased.

Second, after all purchase decisions had been made in the day-care centers, each subject was given a $6 discount coupon, also coded by condition, for the purchase of another, different Insecticon figure from a popular toy store located in the area's major mall. The Insecticons were normally priced at $11.97. So the coupon represented a half price offer. The cooperating toy store retained all coupons for a week following exposure, where they were redeemed by the investigator. In other words I had to buy half the kids' toys.

Results: in the forced-choice purchase situation, with sales conducted within the day-care centers, a significantly greater number of Insecticons were purchased by subjects who had seen both the program-length commercial—that is, the Transformers TV show—and the product commercials than by subjects in any other condition. The subjects viewing either the Transformer program alone or the two product commercials alone fell into an intermediate position between the control subjects, who purchased the fewest number of Insecticons, and subjects in the combined product/skill program-length commercial exposure conditions. Differences between these two intermediate purchase conditions were not statistically reliable, but the differences between the control and the combined were definitely statistically reliable.

Now, of the total subject population, only 16 subjects—20 percent—used their coupons at the cooperating toy store to purchase Insecticons. Of those, seven were in the combined-commercials condition—that is, the combination of the program-length commercials plus the product commercials; four were in the program-length-commercial-only condition; three had viewed the product commercials only; and two were in the control conditions. Although the direction of the results is precisely that of the forced-choice purchase situation, these differences are not significant by normal statistical tests due primarily to the small number of subjects using their coupons to make a purchase decision.

By way of summary and conclusion, it appears that under experimental conditions, exposure to even a single program-length commercial can have an impact on buyer behavior, especially when the program-length commercials are viewed in combination with product specific commercials, which is the typical case in the marketplace.

Many, many intriguing questions remain unanswered, and further investigation definitely appears warranted. It is my opinion that important public policy and, from my perspective, basic research issues stand to be profitably addressed by additional inquiry.

Thank you.

Mr. LELAND. Thank you.

Our next witness is Dr. Joseph Turow. He is the head of the Communications Program, Purdue University, and he is here to give testimony. We thank him for his participation today.

STATEMENT OF JOSEPH TUROW

Mr. TUROW. Thank you.

My work on children's television goes back several years. In 1979, I worked for the Children's Television Task Force on diversity in children's TV, and in 1981, I had a book published by Praeger on the history of children's television.

The importance of diversity in children's television programming is acknowledged by a broad spectrum of policymakers, broadcasters, and public interest group members. As I see it, one key question before this hearing relates to diversity. What impact does the practice called program-length commercials have on the possibilities for diversity in TV material aimed at children?

I am convinced that program-length commercials, by their very nature, work against, strongly against, such diversity. And I would like to suggest that a prohibition on program-length commercials is especially critical at this point in time.

To support these contentions, I would like to explore four questions. But because of time constraints, I will make three answers very short and elaborate on the fourth.

Question 1: Are program-length commercials simply a passing TV nuisance and a mere variation on past advertising practices?

No. Program-length commercials will not go away by themselves. Rather, they are central parts of a new phenomenon with long-range implications for children's programming. Toymakers and toy licensers hold a strong, long-term interest in gaining control over children's television.

Question 2: How likely are they to succeed in gaining that control?

In the long term, it appears that their chances are actually quite good.

Question 3: But what impact does the fact that toymakers will likely gain long-term control over children's TV have for program diversity?

There is strong evidence that the process that is involved in converting a toy into a children's show inhibits the creativity of the production people involved and sharply narrows the kind of programming that gets onto the home tube for children. Toy guided children's TV will contain few, if any programs dealing with news, public affairs, or other kinds of nonfiction, nor will it contain programs with ideas such as aesthetics or the art of storytelling, ideas that do not push particular toys.

Question 4: But some may say, "Granted that children's programming in syndication and even network television is being dominated by the toy industry and that the toy industry is reducing the chances for diversity in that programming. Why should we care? Surely, cable TV and video cassettes are competitive media. They will bring broad program diversity to children in the near future."

I think this all too commonly expressed belief, based on the idea of allowing marketplace forces alone to determine children's material, which the FCC has articulated, is badly flawed. A major problem with the belief that the so-called new media are saviors of the marketplace problems is that this kind of thinking ignores the real way that media in America are developing today. Guided by such terms as "synergism" and "windows," large media conglomerates are creating subsidiaries or are entering into joint ventures with other firms. Their goal is to move media material across a number of media boundaries.

For example, movies may start in theaters, but they quickly move through a gauntlet of other media windows, such as pay per view, video cassettes, pay cable, network TV, and syndication. There are solid economic and organizational reasons for these activities in a large number of media industries. And evidence is emerging that they will soon become commonplace in children's programming, with toy outlets and broadcast TV acting as the launching pads from which programs will move from there to video cassettes and cable, and comic books and magazines, and tee shirts, and elsewhere.

As an example of what is happening already, take LBS Communications, television's biggest syndicator of television for children. Owned by the huge Ted Bates Advertising Agency, it is intimately involved in coordinating the production and placement of program-length commercials in broadcast markets throughout the United States. LBS is now expanding the viewing territory of its program-length commercials.

Earlier this month, the company placed a full-page ad to the trade, introducing a new children's video label called Kideo Video. Owned jointly by LBS and DIC, a huge producer of animated programming for syndication, Kideo Video's purpose is quite simply to flood the home video market with program-length commercials such as Care Bears, Mask, and Gobots. It will be distributed exclusively by Karl Video, the powerful home video arm of Lorimar. Lorimar, in turn, owns TelePictures, another major syndicator of program-length commercials.

The trade ad touts the presold nature of these programs as a prime benefit to retailers—a small quote: "Children all over the world have already taken the cast of characters to heart; and proven titles, all backed by saturation, merchandising, and advertising. Millions and millions of young viewers watch TV programming from LBS every week of the year. That means that Kideo Video brand home entertainment has been thoroughly presold and will be met with instant acceptance everywhere."

The bottomline, then, is that the marketplace as it is evolving today is moving against the goal of providing diversity in the audio-visual material that is likely to confront the great percentage of America's children.

Thank you.

Mr. LELAND. Thank you very much, Dr. Turow. Just join the panel over here.

The Chair would like to acknowledge the presence of Councilman Anthony Hall, who has come by to say hello to two of his older friends who he served in the legislature with. We certainly appreciate your presence here today.

Mr. HALL. Thank you very much.

Mr. LELAND. Let me now turn to our panelists. And make sure that your microphones are on.

Dr. Wartella—and I hope that I am pronouncing your name correctly.

Ms. WARTELLA. Yes; that is correct.

Mr. LELAND. Based on your knowledge of children and considering the principle embodied in section 317 of the communications action, which establishes that broadcasters have a responsibility to make commercial advertising messages clearly identifiable as such, does this type of product promotion take unfair advantage of children?

Ms. WARTELLA. It is my opinion that it does. If you have the kind of content that children cannot identify as a commercial, then you are taking unfair advantage of children. And I think the program-length commercials are essentially commercial content, promoting these sort of toy products and they are not identified as such. Therefore, I think it is unfair.

Mr. LELAND. Thank you.

Dr. Bryant, one of the goals of H.R. 3216, which is authored by Congressman Bryant and cosponsored by several of us in the Congress, is to increase educational, informational programs for children. Is the growing popularity of product-related programming likely to have any affect on children's educational programming, perhaps squeezing it out of the market, by influencing its form and content in some way?

Dr. BRYANT. I will begin by disclaimer; I am really not a public policy expert, I am a social scientist. But if one is given a marketplace where there is going to be no more expansion, then certainly it would reduce the amount of educational options that are available.

Mr. LELAND. Can I get comments from the other two witnesses?

Mr. TUROW. I have no question that if it is allowed to proceed unchecked that the options for diversity are going to be tremendously reduced, even more than today. And the reason I say that is because there is evidence that it is pushing out network children's television as well; that the rush of advertising to syndication may inhibit the networks from certain kinds of activities as they would do otherwise, particularly as we go further and further into an FCC environment where they do not feel that kind of pressure.

Ms. WARTELLA. It also seems to me that the whole notion of market-driving sorts of programming is implicit in the whole question of the growth of syndication of these program-length commercials. The market is indeed finding out that more and more program-length commercials are coming on the air each year since He Man in 1983, I guess it was; and that such programming does not have an educational and informational nature. So there will be more of the program-length commercials pushing out the kind of program that this bill is intending to encourage.

Dr. Bryant. At an anecdotal level, if I may add, there is a growing phenomenon, at least in the Houston market, in which young children are asking parents to tape the program-length commercials in the afternoon, and playing them back on Saturday morning because they find them more entertaining than what the networks have been offering on the Saturday morning fare. So there is probably more in terms of actual quantity than people would anticipate because of this kind of phenomenon.

Mr. Leland. So you see some opportunity for synergism here?

Dr. Bryant. Clearly.

Mr. Leland. Dr. Turow, a few years ago, program-length commercials hardly existed, and today they probably comprise the majority of non-PBS children's programs. Is this an important change in industry trends and, if so, what factors or events do you believe are responsible for the development of this situation?

Mr. Turow. Well, I think that the crux of it was the perception by producers, advertising agencies, and syndicators that the FCC was backing off from concern. That, I think, was the motivating force. And given that the FCC has essentially agreed with that, I think it will continue as long as that happens. It seems to me clear that—and you can look at the data historically. Any time that the FCC or other Government agencies began to get down on a broadcaster for a particular reason, be it sex, violence, or lack of diversity and quality in children's programming, there was a little blip, interesting changes for a number of years. Some of those changes continued over time, and we see some of that still on Saturday morning. But when it is clear that the Government and other regulators are backing away, we will begin to see fewer and fewer of those kinds of initiatives.

Mr. Leland. Let me ask you another question. Clearly, the huge success of the first program-length commercials, such as He Man, has generated lots of imitation. If nothing is done to check this type of programming, is it conceivable that all commercial children's television could evolve to become product related to content?

Mr. Turow. I think it's conceivable. I am not sure that the networks would swallow that totally. I think we are talking long term, really down the line. For example, CBS hesitated tremendously to get rid of Captain Kangaroo in the morning. It was kind of a prestige item for them, which they kept until it became untenable for competitive news reasons and other reasons.

I think we are talking long term. And the question is what will the networks do in that kind of environment. But I certainly think that if it is shown that the Government and other groups will not take any action against it, it will expect that—what's happening now is that toy companies and producers are finding other ways to plug into this. I read about one company that is actually putting billboards on highways to introduce the parents to the shows that the children are watching, and sort of get them ready for the kids asking for the toys. And then TelePictures is talking about Thunder Cats as being educational—in parent ads and in TV promo's—in order to soften parents up to their children watching them. So there are lots of new wrinkles that are happening. This is not a monomorphic phenomenon. It is going to change, too. Now the people are suggesting that these shows will be short run, in tune with particular toy fads. So that a show will be put out only for 1 year, then it will go away, then another toy-type show based on another kind of toy fad will come on.

So there are lots of wrinkles. This is by no means a set phenomenon.

Mr. LELAND. Dr. Bryant, would you like to comment?

Dr. BRYANT. I just agree with everything he said. Again, at an anecdotal level, as a new product line is introduced, it is quite clear that we are having that product being part of whatever the program is and at a time period that is coinciding with that kind of thing. And so the collaborative efforts seem to be closer and closer aligned on that.

Ms. WARTELLA. I have a comment which is not just as a social scientist, but also as the mother of a 2½-year-old. And I, personally, find it rather appalling when I go to a toy store to buy a birthday present for either David or one of his friends at school. And I find it very difficult to find products in toy stores that do not have television-related programs with them. I try to avoid such products, but it is very very difficult to do that. And I think that is an example—we just have this proliferation of these linkages between programs and toy products.

Mr. TUROW. One of the things we have to remember is that these toy companies are not putting these shows on simply for the children or the parents. By getting them on TV, they are telling their wholesalers and retailers that it pays to take up shelf space. The name of the game a lot of times is taking up shelf space and driving out other toys. If you get a program-length commercial that can do that, you are ahead of the game on a number of different exhibition and distribution levels.

Mr. LELAND. Dr. Wartella, are there any other marketable, related incentives besides the program-length commercial format which might add to encourage greater amounts of television programs for children?

Ms. WARTELLA. I'm not sure I understand the question. Are there any other incentives for the producers of children's television shows?

Mr. LELAND. Yes.

Ms. WARTELLA. Right now, it seems to me that there aren't a great deal of incentives to produce alternative sorts of programming. As Joe Turow mentioned, it has been the case, at least in the last 15 years, that when one examines the nature of children's television, there was public pressure, such as even discussions like this; public commentaries about the nature of children's television. It's in those moments that we see the doors open and opportunities for more creative alternative kinds of programming.

The one place where we have seen some growth in alternative programming is obviously in public television, that they—that public television seems to be making a commitment to developing other kinds of children's television, at great cost, I might add, and thanks to the help of underwriters they can do that. But in commercial television, the draw seems to be totally in the direction of program-length commercials.

Now, I do not want to make it sound like Saturday morning TV is all terrible. They do have their inserts, and there are certain attempts by Saturday morning network television to introduce some other kinds of programming. And I think much of that was a result of the 1970's push for more diversity in programming. My concern is that now that the FCC is out of the business of saying that they are going to be looking over the shoulders to see what is happening with children's programming by broadcasters, and now that the—and if we do not see much public discussion, then we will get back to business as usual, and business let's provide the largest audience to advertisers and let's do it as cheaply as possible, and let's make as much money as we can. And that means program-length commercials.

Mr. LELAND. Dr. Turow.

Mr. TUROW. Let me suggest, too, that we are in danger here—and the reason is I think there is some time element involved—of a problem of self-fulfilling prophesy. If you read today in the trade press, people who talk about children's TV say, "Children will watch nothing but animation. We have tried and they don't want to watch live action programs." Well, I would suggest that part of the reason is that they have had a kind of diet of animation for years, and the parents have had that before that.

The problem is setting up a certain kind of routine of what kids will get used to and what people will perceive of as children's programming. We may be sitting here 10 years from now saying children will not watch anything unless it is toy related. And then we get into that self-fulfilling prophesy.

As a child, I watched shows that were live action because that was what was on at the time, the 1950's. But around 1960 what happened was that stations began to realize that, one, it was cheaper to do cartoons and, two, the older shows were not in color. And so you could not run Annie Oakley anymore because Annie Oakley was not in color, and it was cheaper to go with Hanna Barbara. So that was the big thrust toward children's programming in animation, and now people say children will only watch animation.

So I think we have to be careful about the causality links here and realize that in 10 years we may be saying the same thing about program-length commercials.

Mr. LELAND. The Chair would like to now recognize my colleague from Dallas, Mr. Bryant.

Mr. JOHN BRYANT. Dr. Wartella, and all of you, in the FCC's deregulation order of 1984, they said that they were going to discard all restrictions on levels of commercialization on television, arguing that the marketplace pressure would keep broadcasters from engaging in too much advertising. But it seems that your testimony, as well as testimony heard before, would indicate that kids love the commercials as much as they do the programs. And I wonder to what extent that policy is an inconsistency. In other words, they say the marketplace is going to prevent extensive advertising, so we do not need to place a limit on the amount of advertising; yet the fact is that the program-length commercials appear to be as much loved as the programs. What do we do with that?

Ms. **Wartella**. Well, as I mentioned in my testimony, I do think that these program-length commercials are inconsistent with the spirit of the FCC interest in separating programs from commercials; and inconsistent, I might add, with the notion that we cannot—that the marketplace will control the amount of advertising in children's television. Clearly, if you even hear the industry talk about these new kinds of programs, the He Man, et cetera, they talk about them in terms of them being marvelous merchandising vehicles. And the industry itself is defining them this way. I am willing to accept that definition and say that yes, these are full-length commercials; and, therefore, we are seeing more and more advertising on children's television and that it gets out of bounds at that point.

Mr. **John Bryant**. Well, I guess the point I am driving at is that it seems to me that this phenomenon argues against the FCC's contention that if we just let the market force work here, there will be a reasonable amount of advertising. In fact, the market force works in favor of even more and more advertising.

Ms. **Wartella**. Yes, precisely. The market force works in favor of not just having advertising between programs, but programs that are just more long advertisement. Yes.

Mr. **John Bryant**. Dr. Bryant or Mr. Turow.

Dr. **Bryant**. I agree. When I first saw one of these on prime time several years ago when Strawberry Shortcake came on the air, my first reaction was that that was the best marketing tool that I have ever seen; that it was going to change the ground rules, the phenomenon. And I think that the ground rules have changed after the FCC's understanding of this kind of thing. So it brings about a new situation.

Mr. **John Bryant**. If Congress determines that the broadcasters of program-length commercials for children is inappropriate, I wonder if there are any alternatives, short of an outright prohibition on program-length commercials, available to us. How can we, as policymakers, address this problem by means other than a plain prohibition?

Mr. **Turow**. Well, I do not see, frankly, what is wrong with a plain prohibition. Some may argue that there is a fine line between something that first came out as a program and then was made into a toy, on the one hand, and a program-length commercial, on the other. I see the distinction as quite plausible, and I really do not have any problem with simply saying that program-length commercials are prohibited because we have a telecommunications policy toward children. I think it is important in the United States to realize that children—everyone says they are an important resource. But we do not have a telecommunications policy toward children except that the marketplace should decide. And I think children are just as important as foreign trade, when it comes to telecommunications policies. So I really think there are certain points beyond which our society has to determine we do not want our children to be used like that.

Mr. **John Bryant**. Well, if we are to enact a prohibition, of course the difficulty would be—and I should emphasize, this bill is not an act of prohibition. This should be made very clear. This bill simply mandates a study. We should not have to mandate a study. The so-called protectors of the public interest or the FCC should be doing this as a routine course of business, but they are not. But if we get to the point of having to consider prohibition, I wonder about the difficulties in defining what we are going to prohibit.

If you say, well you cannot do it unless you have the program first and the products came second, what if the program comes first, the products come second, and then the programming changes and becomes a program-length commercial, in response to——

Mr. TUROW. Obviously, there are people who go behind the spirit of any law. And I suspect, frankly, that that will happen in many cases. I think, however, that there can be policing to make sure that that is not done consciously; that is, that Mattel won't get together with TelePictures before the fact and say, all right, put the programs on beforehand and we know what we are going to do.

I also think that is the importance of the spirit of a law and a spirit of—and an attitude toward what we are doing. And I think it is important—laws are also norms for society to live by. If people try to get around them, that is just criminal behavior. We have to stand up for what we believe in and articulate what we believe in.

Ms. WARTELLA. May I—it seems to me now that the FCC has chosen not to do anything further in children's television, a spirit out there for people to operate in this arena, for producers and others, is to do whatever they can make the most money on. And there is really very little sense, I think, of responsibility toward children. And granted, one would have a great deal of concern about prohibition of a particular kind of content programming practice on television.

I think I tend to agree with Joe, that there is something about the spirit of saying we will have a policy, a telecommunications policy for children, and we will set certain standards that would—at least minimal standards that we want everyone to reach. And that, I think, will create a certain attitude toward the children's market that I do not see out there right now.

Dr. BRYANT. A possibility would be not with a prohibition on a particular kind of content or format, but a prohibition of alliances between producers and manufacturers at that particular level.

Mr. JOHN BRYANT. Well, I think it actually gets back to the fact that we once had an across-the-board, more qualifiable objective standard for meeting the public interest obligations of the broadcasters, which has disappeared completely and totally—there is no longer any resistance by the FCC. Thank you, Mr. Chairman.

Mr. LELAND. Thank you. And I want to thank all three of you for your involvement. Thank you very much.

Before I introduce the second panel, for the purpose of the record, let me inform this public hearing that the National Association of Broadcasters, as well as the Texas Association of Broadcasters have been made aware that they were invited to participate in this hearing. For some reason, they all declined. And we feel that the adequate and comprehensive debate and the full discussion of this issue cannot be had unless—at least until we involve those entities, particularly commercially interested parties, who would provide the kind of input that we need to have here today. And at some point, we hope that the NAB—the National Association of Broadcasters—and the Texas Association of Broadcasters, and all three networks, by the way, should participate.

Let me now call our next panel to testify. Our first witness from the second panel is Mr. Roy Danish, director of Television Information Office from New York.

Mr. Danish, thank you very much for your participation. We are sorry that you are the Lone Ranger, to some extent, representing the commercial interests here. But we do appreciate your—maybe it's boldness.

Mr. **Danish**. It's not the first time. I have a very heavy vest under this shirt, and I am hoping to get out of here alive. So here we go.

Mr. **Leland**. Well, vests have become rather popular these days in Houston.

Please proceed.

STATEMENTS OF ROY DANISH, DIRECTOR, TELEVISION INFORMATION OFFICE; PEGGY CHARREN, PRESIDENT, ACTION FOR CHILDREN'S TELEVISION; AND MARTIN DRELL, DIRECTOR, CHILD AND ADOLESCENT PSYCHIATRY CLINIC, TEXAS CHILDREN'S HOSPITAL

Mr. **Danish**. I am Roy Danish, director of Television Information Office. And we do have a relationship with the NAV, although we are governed by our own board and follow policies established by it.

I have been associated with the broadcasting business for—well, ever since 1946, with the exception of about 5 years. My background is in research, commercial operation, administration, and in my present capacity, I am responsible for the direction of an information agency which serves the public and the television broadcasting industry.

Your letter of invitation to appear today asked for my views on three closely related matters, and I will try to provide comment in sequence.

First, I do not believe that television programs which contain program elements that are related by name and/or appearance to merchandise are per se contrary to the FCC's policy designed to protect children from unfair advertising.

The general definitions of program-length commercials provided by the FCC—and I address your attention particularly to the applicability of the Commission's policy on program-length commercials of January 29, 1974. I am going back to an earlier FCC when I do this.

They have offered guidance and we have had, of course, the individual decisions that have been made along the road. And these have served broadcasters well. But I think it is important that I cite something from that 1974 document.

> The situation which causes the Commission concern is where a licensee quite clearly broadcasts program matter which is designed primarily to promote the sales of a sponsor's product or services rather than to serve the public by either entertaining or informing it. The primary test is whether the purportedly non-commercial segment is so interwoven with and, in essence, auxiliary to the sponsor's adver-

tising to the point that the entire program constitutes a single commercial promotion for the products or services.

Now, I invite the members of the subcommittee to watch children's programming. I have spent part of the last week in bed which gave me an opportunity to do more of it than I have done in a while. But I watch it from time to time, anyway, because of my interest in it. And you would find that whether the programming is syndicated, or network, or local, there are three elements which are present in all. And these three elements exclude the likelihood that you could consider these programs as program-length commercials.

The elements are, first, the appearance of many sponsors; and, frequently, they are competitive with the producers of the programs whose own products are depicted in one form or another in the programs.

Second, there is a clear audio and visual separation of commercials from program content. Third, there is the absence of commercials within the programs or adjacent to them where the characters are objects in the program.

Now, given these circumstances, I think it requires a very narrow and special perspective to see in the current practices any flouting of the FCC's earlier and stronger policies with regard to protecting children from advertising abuse.

I cannot respond directly to the question inherent in your invitation's statement of the second issue. It assumes agreement with the premise that when a decision to schedule a program is made, the deciding factor is the program's potential for selling related merchandise to viewers. In fact, the only economically rational reason for scheduling a program for children is to provide wholesome entertainment of a kind which will attract a substantial number of young viewers and antagonize few or no parents.

Children are a small part of the population. And, therefore, the audience of children's programs is small when compared to the numbers who watch programs of other kinds. Further complicating the task of the programmer is the difference in viewing preferences between older and younger children. Clearly, the 2- to 6-year-olds are not prepared for the more sophisticated that the older subteens can appreciate. As a result, even though it is expensive to produce programs for children, advertisers are not willing to pay high prices to advertise in these programs. Many sponsors must be found for each program, whether on a network or, in the case of syndicated or local shows, on stations. One must conclude that broadcasters need to maximize audiences in order to earn the revenue to pay for the programs. It would, therefore, be clearly counterproductive to let a merchandising relationship supersede audience considerations in selecting programs to schedule.

In brief, I believe broadcasters chose children's programs primarily for their appeal to child audiences and in doing so are acting responsibly to serve the public interest.

Most of these discussions neglect to consider the extent, if any, to which children are abused by the alleged harmful practices. All of us, young and old, are surrounded by advertising claims and merchandising efforts. They are an integral part of a distribution system which relies on consumer demand. Children learn early to distinguish between programs and commercials. According to a national Roper survey of 2,000 adults, by age 3, 65 percent of children can make that distinction; by age 6, 92 percent can. And these judgments were made by the children's parents.

Those who are critical of present practices say that the youngest children are most at risk. But these are also the most shielded from economic harm. They have little or no money, few ways to spend what they do have, and they are most subject to the influence of parents, the same parents we must rely on to instill basic values and disciplines which will guide those children in their later lives.

As to the future, I can only point to present trends without promising their continuance. Most important has been the growth in the number of programs available for selection by broadcasters. Since 1983, the number of syndicated Monday through Friday and other multiweekly programs has increased by 50 percent. While numbers of these new programs have been merchandise related, they have also met broadcasters needs for interesting constructive programs for youngsters and have been clearly within the public interest parameters for responsible broadcasting.

Gentlemen, thank you very much for the opportunity to be here.

[The prepared statement of Mr. Danish follows:]

Roy Danish, Director, Television Information Office

I am Roy Danish, Director of the Television Information Office, a national trade association with headquarters in New York City. I have been associated directly with the broadcasting industry since 1946, with the exception of five years between 1955 and 1960. I have a background in research, commercial operations and administration, and in my present capacity I am responsible for the direction of an information agency which serves the public and the television broadcasting industry.

Your letter of invitation to appear here today asked for my views on three closely related matters or issues and I will provide these in sequence.

First, I do not believe that television programs which contain program elements that are related by name and/or appearance to merchandise are, per se, contrary to the FCC's policy designed to protect children from unfair advertising. The general definitions of program length commercials provided by the FCC (see particularly Applicability of Commission's Policy re: Program Length Commercials January 29, 1974 (44 FCC 2d 985) 1/) or provided in its individual decisions and in the examples it has offered as guidance have served broadcasters well. The rare violation has brought reprimand.

I invite the members of the sub-committee to watch children's programs, whether network or syndicated or locally produced. You will find three elements which substantially exclude the likelihood that these programs might be construed to be program length commercials.

1/ "The situation which causes the Commission concern is where a licensee quite clearly broadcasts program matter which is designed primarily to promote the sales of a sponsor's product or services rather than to serve the public by either entertaining or informing it. The primary test is whether the purportedly noncommercial segment is so interwoven with, and in essence auxiliary to, the sponsor's advertising to the point that the entire program constitutes a single commercial promotion for the products or services."

The first is the appearance of many sponsors; frequently they are competitive marketers. 2/ The second is the clear audio and visual separation of commercials from program content. The third is the absence of commercials within the program or adjacent to it for characters or objects seen in the program. Given these circumstances, I believe it would require a very narrow and special perspective to see in current practices any flouting of the FCC's policies with regard to protecting children from advertising abuses.

I cannot respond directly to the question inherent in your invitation's statement of the second issue. It assumes agreement with the premise that when a decision to schedule a program is made, the deciding factor is the program's potential for selling related merchandise to viewers. In fact, the only economically rational reason for scheduling a program for children is to provide wholesome entertainment of a kind which will attract a substantial number of young viewers and antagonize few or no parents.

Children are a small part of the population and, therefor, the audience for children's programs is small when compared to the numbers who watch programs of other kinds. Further complicating the task of the programmer is the difference in viewing preferences between older and younger children. Clearly, the two to six year olds are not prepared for the more sophisticated fare that the older sub-teens can appreciate. As a result, even though it is

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2/ Recent examples of multi-sponsorship and advertiser competition within children's programs:
10/26/85, CBS Dungeons and Dragons, related to a game of the same name marketed by
TSR Hobbies, Inc.
Sponsors: Mattel Toys (toy); Hasbro Bradley, Inc. (toy); Tonka Corp. (toy);
National Dairy; Campbell Soup; Levi Strauss & Co.; Kelly Brands (food)
Source: CBS Television Network

10/22/85, WNEW-TV He-Man and the Masters of the Universe, related to dolls made by
Mattel Toys
Sponsors: Hasbro Bradley, Inc. (toy); Coleco Industries (toy); Nintendo of America (toy);
Match Box Toys (toy featured in competitive program); Cheerios (cereal);
MacDonalds (restaurant chain)
Source: WNEW-TV, New York, N.Y.

expensive to produce programs for children, advertisers do not pay high prices to advertise in these programs. Many sponsors must be found for each program, whether on a network or, in the case of syndicated and local shows, on stations. One must conclude that broadcasters need to maximize audiences in order to earn the revenue to pay for programs. It would, therefor, be clearly counterproductive to let a merchandising relationship supercede audience considerations in selecting programs to schedule.

In brief, I believe broadcasters choose children's programs primarily for their appeal to child audiences and in doing so are acting responsibly to serve the public interest.

Most discussions of this subject neglect to consider the extent, if any, to which children are abused by the alleged harmful practices. All of us, young and old, are surrounded by advertising claims and merchandising efforts. These are an integral part of a distribution system which relies on consumer demand. Children learn early to distinguish between programs and commercials. According to a national Roper survey of 2,000 adults, by age three, 65 percent of children can make that distinction; by age six, 92 percent can. These judgments were made by the children's parents. 3/

Those who are critical of present practices say that the youngest children are most at risk. But these are also the most shielded from economic harm. They have little or no money, few ways to spend what they do have, and they are most subject to the influence of parents, the same parents we must rely on to instill the basic values and disciplines which will guide those children in their later lives.

3/ Burns W. Roper, Public Perceptions of Television and Other Mass Media: A Twenty-Year Review, 1959-1978.

As to the future, I can only point to present trends without promising their continuance. Most important has been the growth in the number of programs available for selection by broadcasters. Since 1983, the number of syndicated Monday through Friday and other multi-weekly programs has increased by 50 percent (Television/Radio Age 8/15/83, page 86, 8/20/84, pages 35, 84, 8/19/85 pages 47, 109-110). While numbers of these new programs have been merchandise related, they have also met broadcasters' needs for interesting, constructive programs for youngsters and have been clearly within the public interest parameters for responsible broadcasting.

Thank you for the opportunity to testify.

Roy Danish

Roy Danish
Director, Television Information Office

Mr. **Leland**. Thank you very much, Mr. Danish.

Our next witness is Ms. Peggy Charren, president, Action for Children's Television. We welcome you.

STATEMENT OF PEGGY CHARREN

Ms. **Charren**. I am Peggy Charren, president of Action for Children's Television, which is a nonprofit child advocacy group with about 20,000 members, headquartered in Newton, MA. I want to thank you and the rest of the subcommittee for holding these hearings and for allowing me to testify.

I have submitted my written remarks and the appendices with them for the record.

I would like to start out with three questions. First: Who said that program-length commercials involve "a serious dereliction of duty on the part of the licensee, that these shows subordinate programming in the public interest to programming in the interest of salability"? The answer is the FCC, which said it in 1969.

And the second question is: Who said "basic fairness requires that at least a clear separation be maintained between the program content and the commercial message, so as to aid the child in developing an ability to distinguish between the two"? It sounds a little like Ellen Wartella, but the fact is that it was the FCC who said this in 1974.

The third question is: Who said that this practice is "a creative marketing response that will fuel the development of children's shows"? And the answer is that the FCC said that in 1983.

The present FCC reversed more than a decade of special Commission concern for children when it gave a stamp of approval to program-length commercials.

More than a hundred major national organizations, including the American Academy of Pediatrics and the National PTA, agree that the recent FCC decision is wrong. One of those statements has to be wrong. They all cannot be right because two of them are antithetical to each other.

They agree with the editorial in Ad Age on this practice, titled "A TV License To Steal From Kids." And that was Ad Age, which is kind of a bible of the advertising industry.

The Federal Communications Commission has changed under the Reagan administration from a Federal watchdog to an industry mascot. The FCC is willing to rely on new technologies to serve children, a kind of "let them eat cable" philosophy of TV life. Alternate delivery systems like cable, home video, and roof dishes do provide more choice for families, but only for those who can afford a major initial investment and continuing bills for pay cable channels and video tapes.

Whatever broadcasting initiatives that existed through the 1970's are fast disappearing with the Reagan administration's deregulatory acts against diverse TV for young people. And today, as we have talked about this morning, a new breed of children's television is replacing the blue ribbon champions of yesteryear. Children's air time has been taken over by the very long animated sales pitch.

I see five major problems with program-length commercials. First, the pervasiveness of the practice. There are now more than

45 shows that have been developed to sell children a bill of goods. Some are airing now and some are waiting in the wings. They include the "Gobots," "Robotics," "Robotec," 65 half-hours of The "Transformers," 90 half-hours of "GI Joe" and other adventure characters. You can separate these things according to what toy shelf they belong on, and that is an indication of just how undiverse they are. I mean, you can only do so much with toys. And on the stuffed animal shelf in the TV toy store you will find My Little Pony, and Poochies, and others like that. Then there are the doll shelf programs, like "Rainbow Brite," and all these little dolls that you see on the ads today. And even a show—would you believe—based on a plastic necklace from Hasbro called, "Charmkins." The necklace is called, "Charmkins"—you are supposed to buy little charms extra—and the program is called, "Charmkins." And if I were the broadcaster airing it, I would be a little embarrassed.

The second problem, this problem targets only children. By the way, Business Week, which did a very laudatory article on Mark Fowler and his handling of the FCC, said in the article—this is Business Week, not a liberal mother who runs around the country worrying about children; it's Business Week. And it was a very laudatory article. And they said there's one place where Mark Fowler's FCC really seems to have failed, and that is in opening the door to the overcommercialization of children's television. And this is what they were talking about. I think it is interesting that they even put that in the editorial that week. And it was a cover story. It was a very big story.

TV programs based on merchandise are a phenomenon and unique to children's television. That is the second problem. Can you imagine a prime time series called "Marriott Hotel," where the cast gathered by the pool to discuss the delicious Marriott coffee shop cuisine and the elegance of the Marriott room decor? Soap opera plots do not revolve around the virtues of Tide versus All—although I suppose there are some people in the country who wish they would clean it up like that. I prefer to deal with the vagaries of life. Adults would be turned off by shows like that and they would turn off the show. But children love commercials. So commercial broadcasters and advertisers work together to deprive children of their rights to TV education and to entertainment.

The need to identify commercial speech is a fact of life in newspapers and magazines for adults. I mean, this is not something that we should take care of only children with; we do it for adults. In the New Yorker, even, it says "advertisement" over a manufacturer's message that looks too much like editorial copy. It is spelled out in fact in section 317 of the Communications Act, the need to identify commercial speech.

To a large degree, the marketplace acts to limit commercialism for adults. Most adults enjoy zapping commercials by tuning in another channel or by using the muting button on new sets—I just got one, and I love that. But children do not zap commercials. They listen and learn from them, and they do not recognize the commercial connection inherent in product-based programs.

The third problem is that the practice thoroughly intermixes commercial and editorial speech, making it difficult to distinguish and discover the sales intent. These long commercials can prove deceptive and disapproving to children. The Robotic vehicle from outer space purchased at the toy store is unlikely to perform the amazing feats of its animated counterpart on the TV show. There is much more attention by the industry to the deception of the 30 seconds than to the 26 minutes. The fact that commercials for the toy product by the show appear only in other shows, which is something that Roy Danish mentioned as the reason why he does not even think this is a problem, benefits actually, I believe, toy companies, not children. These commercials have the same animation as the program, and if you drop them into the program, children might miss the spots altogether, reducing the number of ad impressions per message. It is much better to put the Robotics commercial in the Voltron program.

The toy manufacturers know they are using program time to sell, and they are honest about it in the trade press, at least. They even brag about it. Hasbro Bradley has an ad that targeted toy stores, that says, "Every GI Joe figure, every vehicle"—I think this is the message you were referring to, Congressman, in your opening remarks—"every accessory will star in this historical television first. Think of the enormous excitement this series will generate among kids for all GI Joe toys. Get ready for the sales impact." And the marketing director of Tonka toys, which makes GoBots, said—and this is a quote: You've got to admire their honesty, if nothing else.—"We believe that in order to keep the category exciting, in order to keep kids buying GoBots, we needed a TV series." Can you imagine if the adult advertisers said that about products that they sell to you and me?

And the toy companies are even honest about editorial control. Mattel's director of TV programming—notice that title TV programming—said about Masters of the Universe, "We are watching"—we, Mattel—"are launching the series just like we would a Mattel product." And the brand manager for Care Bears said, "The programming comes directly from our creative department. We come up with the story lines."

I thought I would add these because the toy companies are not here today, and I thought you might want to know what they say in public.

The VP for Tyco stated, "This is a trend that is definitely happening. The advantages to the toymaker are obvious. If umpteen kids a month see a television show based on a toy, it is the equivalent of free advertising."

That is why I put all these in my written remarks with the notes on where they came from, so you can check me out.

The fourth problem is that profit sharing on toy sales is not in the public interest. Many TV stations—are sharing the profits from sales of toys on which these shows are based. And I think that the moment the broadcaster chooses which show to air, he or she is considering the future sales of a toy, in part, not the audience that he is licensed to serve. Broadcasters who are sharing in toy products will be looking for a hula-hoop success and that perverts, normal programming incentives.

And then last and most importantly, the practice displaces diversity. This is the subtle, most insidious problem with program-length commercials, because there are so many of them. They are displacing other kinds of children's shows in favor of vested interest speech. There are no nonfiction programs based on toys; no live product, music, magazine shows based on toys. The amount of money poured into these shows by the toy industry, ad agencies, and distributors makes other shows noncompetitive. I have been told that by people in the industry, mostly off the record, so I will not mention who said it. One, the practice is pervasive; two, it is unique to children's television. Three, there is a confusion of commercial and editorial speech. And, four, that profit sharing in this sense is a perversion of the public interest. And, five, that it keeps other kinds of shows off the air. And the very last, I would like to answer the question of what can we do in addition to getting rid of these programs—the fact is that the FCC has done it already; they did it with Hot Wheels. And the whole world didn't fall apart; they did not scream first amendment problems. There were not those kind of programs for a number of years until, you know, Mark Fowler said we don't care about kids anymore.

I think that what we do is provide alternatives in addition, until we can get rid of them, let's say, and maybe even after that. We provide alternatives, which is why I act so excited about the Children's Television Education Act, because we figure that the programs that could grow up out of that kind of interest on the part of Congress would not be this kind of programming, at the very least.

Thank you very much.

[Testimony resumes on p. 110.]

[The prepared statement of Ms. Charren follows:]

TESTIMONY OF

PEGGY CHARREN
PRESIDENT

ACTION FOR CHILDREN'S TELEVISION

I am Peggy Charren, President of Action for Children's Television (ACT).

The fact that the FCC under the Reagan administration has changed from a Federal watchdog into an industry mascot is why commercial children's television has been transformed into one continuous sales pitch.

Action for Children's Television is filing its complaints to the FCC on this issue as an appendix to this testimony. The arguments about why the overcommercialization is bad for children's television are well understood, and it would take too much time to list them. Instead, I would like to read to you published quotes from people who manufacture the toys, produce the programs, and are otherwise involved in the issue of program-length commercials.

In my written remarks, I footnote all these quotes for your information.

Al Carosi, Vice President of Marketing, Hasbro-Bradley.

> "Great toys make great licensing......It's human nature to identify with a property."
>
> "Toy Firms Increase Roles as Licensors," by Barbara Bader and Milt Schulman. The Licensing Book, Vol. 2, No. 5, Feb. 1985, p. 38.

Joe Morrison, Senior Vice President, Mattel Toys.

> "Children do not have a broad range of interests. One of the things they're interested in is toys. The net of it is, if it's good entertainment they'll watch it. If it's a good toy, they'll probably buy it."
>
> "Toying with Kids' TV," Newsweek, May 13, 1985, p. 85.

Steven Dammers, Vice President, Grey Advertising, Care Bears Account.

> "In the case of Care Bears, we believe we tapped into a need for kids to deal with emotions. Children need to understand what is happening interpersonally in the world around them."
>
> Article by Sherryl Connelly, Daily News, March 24, 1985.

Louis Scheimer, Filmation Studio.

> "Many of these TV shows we're talking about give kids new ideas for playing with the toy. That's their purpose, to broaden the concept. I've asked Mattel about Barbie. They feel a TV show might do more damage than good because Barbie already exists in the mind of the child."
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, Feb. 17, 1985, p. 15.

Lois Hanrahan, Marketing Director, Tonka Toys

> "What difference does it make if the toy comes first? Our business is kids. You find out what the kids want."
>
> "Toying with Kids' TV," Newsweek, May 13, 1985, p. 85.

Ken Kaeff, Management Supervisor for Jordan, Case and McGrath (agency that conceived GoBots).

> "Without a story, the GoBot's just another toy with a neat trick that a kid doesn't know what to do with after 15 minutes."
>
> Article in Living Section, Boston Globe, December 17, 1985, p. 25.

Lois Hanrahan, Marketing Director, Tonka Toys.

> "We believe that in order to keep the category exciting, in order to keep kids buying BoBots, we needed to do a TV serie
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1984, p. 13.

Milt Schulman, Editor, The Licensing Book.

> "Most of these toy line properties will become even more familiar to youngsters through animated TV shows or series featuring their characters. A number of these programs will air in syndication, on independent television stations, during the after-school hours....The new shows have been created in response to requests for more such programming from TV station managers. As a result, syndicated television should represent an important exposure vehicle this year for character properties and TV ads for licensed merchandise.
>
> "Milt's Viewpoint," The Licensing Book, Vol. 2, No. 5, Feb. 1985, p. 38.

John Beebe, Senior Vice President, D & D Entertainment Corporation, production company for TSR Inc.(makers of Dungeons & Dragons).

> "No question, having a presence in television enhances the image of the games....It's a marketing opportunity."
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1985, p. 26.

Jim Moloshok, Vice President, Creative Services, Telepictures.

> "We have a responsibility to our stockholders. If we can market the shows in a new, creative way, we'd be foolish not to take advantage of that."
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1985, p. 26.

Dick Robertson, Telepictures.

> "We have put up $15 million to make 65 episodes of Thundercats. Frankly, the stations have layed out zero cash. We've brought a number of our stations in for equity positions in the production of Thundercats and merchandising."
>
> Television/Radio, August 19, 1985, p. 49.

Paul Valentine, toy industry analyst for Standard & Poor.

> "It's no coincidence that virtually every top selling toy on the market this year has a prepacked fantasy or story line."
>
> Article in Living Section, Boston Globe, December 17, 1984, p. 25.

Carole MacGillvray, President, Marketing and Design Services, General Mills.

> "We cannot deny that our TV specials are promotional tools."
>
> "Toys Are Programs Too," Jan Cherubin, Channels, May/June 1984, p. 31-33.

Harold Kamp, former toy buyer, Ben Franklin Stores, Chicago.

> "You've got to have more than just a Saturday morning cartoon. Products must be backed with sustained direct TV exposure."
>
> "Retailers Evaluate Properties for '85," Playthings, February 1985, p. 264.

Harry Suttmiller, Divisional Merchandising Manager, Gold Circle Stores, Columbus, Ohio.

> "Putting the character forward in a cartoon setting alone is not enough. Advertising can really establish the character and create the desire to bring them home."
>
> "Retailers Evaluate Properties for '85," Playthings, February 1985, p. 264.

Toy magazine advertising copy.

> "Every G.I. Joe figure, every vehicle, every accessory, will star in this historic television first! Think of the enormous excitement this series will generate among kids for all G.I. Joe toys. Get ready for the sales impact."
>
> "Are Children Being Brainwashed to Buy Toys? " Newsday Magazine, February 17, 1985, p. 26.

David Sandberg, Brand Manager, Care Bears.

> "The programming comes directly from our creative department. We come up with the story lines."
>
> "Are Children Being Brainwashed to Buy Toys? " Newsday Magazine, February 17, 1985, p. 16.

Jack Chojnacki, Vice President, Licensing Division, American Greetings.

> "We told the writer, if you need new characters for the plot, keep in mind characters that can be greeting cards, dolls, merchandise."
>
> "Toys Are Programs Too," Jan Cherubin, Channels, May/June 1984, p. 31-33.

Jean MacCurdy, Director, Children's Programming, Hanna-Barbera.

> "Jean MacCurdy, director of children's programming at Hanna Barbera and a former NBC executive, says Hasbro-Bradley has similar contol. 'Sure they are writing scripts,' she says. 'It's probably written into the contract. It usually is.'"
>
> "Are Children Being Brainwashed to Buy Toys? " Newsday Magazine, February 17, 1985, p. 16.

Tom Griffin, Chairman, Sunbow, New York animation house that works on some Hasbro-Bradley shows.

> "I'd probably change the story line if [Hasbro-Bradley] hated it. But it has nothing to do with a contract. It has to do with a relationship."
>
> "Are Children Being Brainwashed to Buy Toys? " Newsday Magazine, February 17, 1985, p. 16.

Glen Leopold, writer for Hanna-Barbera.

> "Toys are another matter. When someone hands a writer a story, it's like: Can you make something out of nothing? If you're handed something where you'd like to go somewhere fun, you'd like to put the characters into a great environment of some sort, and the toy company says, 'No, they have to live in Poochyville,' that can be a problem. Your freedom is really limited."
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1985, p. 28-29.

Joseph Ruby, Ruby-Spears Productions.

> "I would love to create shows rather than have someone come in and say, 'This is the golden ashtray everyone's buying; give me a show about it.'"
>
> "Nightline" interview, April 11, 1983.

Jean MacCurdy, Director, Children's Programming, Hanna-Barbera.

> "In the case of toys, there is a third party interest, so there are limitations to what you can do...I mean, robots. There are only so many stories you can tell with robots."
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1985, p.28.

Lou Scheimer, President, Filmation.

> "If you allow the toy company to have total control, then the program may well be a commercial more than a piece of quality animation."
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1985, p. 26.

Squire Rushnell, Vice President for Long Range Planning and Children's Television, American Broadcasting Company.

> "Iwould have to say that some of the syndicated shows are intended to be commercials, not valid entertainment."
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1985, p. 26.

Dorothy Singer, Co-Director, Family Television Research and Consultation Center, Yale University.

> "What is really being sold is materialism in its worst form, says child psychologist Dorothy Singer.... Television specials and many Saturday morning cartoon shows 'take advantage of children'...'Children are becoming very materialistic. The implicit message in these shows is if you don't have the toy, you are not going to belong to that group.'"
>
> "The Big Bucks Flung at Babes in Toyland," John Dunphy, The Detroit Free Press, June 3, 1984, p. 1H.

Professor Ronald G. Slaby, Center for Research on Children's Television, Harvard University.

> "Programs like this are unfair to children. Kids cannot distinguish the special merchandising tools that are subtly being used to interest them in buying these products or in getting their parents to buy the toys for them. As it is, we have a disgraceful shortage of programs for children. Among the programs we do have, to have so many based on toys is a horrendous disgrace. Some restriction on this practice is needed soon."
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1985, p. 13.

Editorial, Advertising Age.

> "You can hardly tell the commercials from the programs, especially if you're too little to comprehend what advertising is and, certainly, to be sophisticated enough about it to know a licensing deal when you see (watch) it."
>
> Advertising Age, April 8, 1985, p. 18.

Bill Scott, voice of Bullwinkle, head writer and co-producer of "Rocky and His Friends."

> "Bill Scott ... says he is rankled by what he sees on Saturday mornings. 'Putting together a huge, glitzy package involving toys, books, ancillary stuff and a TV show may be very creative merchandising. But, when the commercial aspects are there before the creative aspects, you aren't going to get star-quality stuff. You're going to get bland, kiddy-culture junk.'"
>
> "Are Children Being Brainwashed to Buy Toys?" Newsday Magazine, February 17, 1985, p. 14.

Newsweek

> "Before kidvid blossoms with, say, a family of cuddly blue creatures called 'The Levi's' -- or perhaps a superhero known as 'Big Mac' -- maybe it's time for the rest of us to set up a howl on behalf of TV's least powerful and most vulnerable consumers."
>
> "Toying With Kids' TV," Harry F. Waters with Mark D. Uehling, Newsweek, May 13, 1985, p. 85.

+ + + +

The Federal Communications Commission, in 1974, defined program-length commercials as "programs that interweave 'noncommercial' program content so closely with the commercial message that the entire program must be considered commercial." (Applicability of Commission Policies on Program-Length Commercials 44 F.C.C. 2d 985 (1974).)

The following program-length commercials, commonly called programs by the industry, are divided into their various toy categories:

I. Robots and other adventure figures:

1. GoBots
2. Robotix
3. Robotech
4. Robotman and Friends
5. Robo Force (Maxx Steel)
6. Action Force
7. Voltron
8. The Transformers
9. Tranzor-Z
10. Jayce and the Wheeled Warriors
11. M.A.S.K. (Moblie Armored Strike Force)
12. Thundercats
13. He-Man and the Masters of the Universe
14. She-Ra Princess Power
15. G.I. Joe: The Greatest American Hero

II. Stuffed animals and other creatures:

1. Care Bears
2. Paw Paws
3. Poochie
4. Pound Puppies
5. The Wuzzles
6. My Little Pony
7. Monchichi
8. The Shirtales
9. The Snorks
10. The Bisketts
11. The Get Along Gang

III. Dolls:

1. Cabbage Patch Kids
2. Herself the Elf
3. Star Fairies
4. Strawberry Shortcake
5. Rose Petal Place
6. Hugga Bunch
7. Glo Friends
8. Rainbow Brite

IV. Video games:

1. Donkey Kong
2. Donkey Kong Jr.
3. Pac-Man
4. Pitfall
5. Q*Bert
6. Frogger

V. Miscellaneous:

1. Dungeons and Dragons
2. Scrabble People
3. Rubik the Amazing Cube

Children's television used to be protected by a system of checks and balances. If broadcasters were tempted to air deceptive advertisements aimed at young viewers, the National Association of Broadcasters Code was there to discourage them. If misleading commercials still managed to slip in, the Federal Trade Commission was there to blow the whistle on unfair advertising practices. As for programming, every three years TV stations were required to file detailed license renewal applications outlining their public service efforts. Any station failing to program in the public interest could be called before the Federal Communications Commission, with the ultimate threat of losing its license to broadcast.

Over the last few years, the measures that held broadcasters accountable to the public have eroded. The NAB Code was suspended in 1982 when a federal court judge ruled it a restraint of trade, leaving broadcasters without a set of good behavior standards. The Federal Trade Commission came under attack from within, with Chairman James C. Miller arguing that only commericals causing "substantial injury" should be prohibited by law and that legal action against "harmful" commercials should take into account the cost and effectiveness of potential remedies. Federal Communications Commission Chairman Mark Fowler led the stampede against regulation, removing restraints on broadcasters in the name or marketplace economics. In 1981, his FCC extended the duration of TV stations' licenses from three to five years and changed the renewal form to a postcard, relieving broadcasters of any responsibility to describe their public service programming. In December 1983, the FCC removed any doubt that it cares about holding TV stations accountable for service to children by modifying its policy on children's television, in effect freeing broadcasters from their obligation to young viewers.

All that remains to ensure that television serves young children is Congress, under the jurisdiction of which both the FCC and the FTC lie. Representative Timothy Wirth of Colorado and Senator Frank Lautenberg of New Jersey, recognizing that commercial TV has turned its back on children, have introduced in Congress a measure to increase programming designed to enhance the education of children. The United States has convincing proof that the time has come to mandate more educational televison. A Nation at Risk: The Imperative for Educational Reform, published by the National Commission on Excellence in Education, offerred unprecedented and shocking findings of educational decline. The National Science Board, in a 1983 report for the National Science Foundation called Educating Americans for the 21st Century, found America's comparative advantage in education in the international community "precarious" and "strongly challenged." Never before has our country been so painfully confronted with the enormous economic and social costs associated with failure to compete adequately in international markets; for this reason, the board specifically recommended that "federal regulation of commercial stations should include, at a time convenient from the point-of-view of the student, a required period of educational programming for children."

What is needed now more than ever is for Congress to make certain that broadcasters offer alternatives to program-length commercials. Television can do better than to constantly search for new, improved ways of getting children to move from the toy box to the TV set and then back to the toy store for the next installment of the Big Sell!

Mr. **Leland.** Thank you very much.

Our next witness is Dr. Martin Drell, director of Child and Adolescent Psychiatry Clinic, Texas Children's Hospital in Houston.

Dr. Drell, thank you so much for your participation today.

STATEMENT OF MARTIN DRELL

Mr. **Drell.** I am also the training director at Baylor in the child division.

At the start, I wish to firmly place myself in support of this bill. As a child psychiatrist and the father of two children, I would like to see both the amount of educational programming for children and the amount of information concerning all aspects of the affects of TV on children increased. I believe this bill makes steps toward providing both.

Having made my position clear at the start, I would like to spend the rest of my brief time discussing a related problem I encounter whenever I deal with the subject of the affects of TV on children. I hope my discussion will help in figuring out what to inquire about should this bill pass, and give a sense of the complexity of the issues we are dealing with.

The problem, as I see it, stems from the fact that my conception of what a child is seems to differ greatly from the conception of much of society and the media. My sense is that most of society and the media sees children as passive receptacles that have information poured into them. They see them as one undifferentiated mass without context. I might say the researchers don't, but when you read media articles, you get that sense.

In keeping with this conception, we are flooded by vague, all inclusive, overgeneralized statements like violence on TV is bad for children; TV viewing makes children passive; prosocial TV is good; and program-length commercials are bad. It would be nice if things were so simple.

Instead of seeing the similarities in children, I see the differences. My inescapable conclusion from my clinical practice, my observations, my teachings, and my readings is that children are separate beings who actively impact on their environment in their individual attempts to interact, learn, and cope. They bring something to each and every situation they are in, and interpret our perplexing world in their own special ways, depending on their age, their capabilities, and their past experiences.

The children I have seen have minds of their own and have their own sense of likes and dislikes. Because of my belief that this is a more appropriate view of children, I am not apt to overgeneralize about children and am wary about those who do.

Let me give you some vignettes. A 4-year-old boy, not a patient, spent much of his time with constructing. When asked what he was doing, he related that he was making a Rainbow Brite trap because he hates Rainbow Brite. He related that when he caught her, he would throw her in the garbage. He most definitely did not want a Rainbow Brite of his own.

A very disturbed 8-year-old boy that I saw over an extended amount of time in my practice could not talk about his terrifying aggressive thoughts until he started telling me about a character named Boss Hog from the "Dukes of Hazard." This program, which is probably not on most people's list of superb TV viewing for children, was very helpful for this child in figuring out some problems he was having.

A quite normal 3½-year-old spent several months as the He Man character, as he hacked away at everything in his path with his imaginary sword. He was dealing with the quite normal developmental mental tasks of differentiating real from pretend, good from evil, and strong from weak.

An 11-year-old I saw in treatment because he was always getting into fights told me that his favorite character in the movie "Star Wars" was Darth Vadar. By the way, his favorite coach was Tom Landry. When I asked him why, he related that Darth was cool because he could control his temper and was not frightened by it, as this little boy was. His identification was not based on a wish to be evil, but a wish not to be evil.

A 4-year-old girl——

Mr. **John Bryant**. What about Tom Landry? You didn't get into that?

Mr. **Drell**. Well, we were talking about the virtues of Tom Landry versus, at that time, Bum Phillips. And I lean toward Bum, but he liked Tom Landry because he always keeps his cool, even under unfortunate circumstances sometimes.

Mr. **John Bryant**. Excuse the interruption.

Mr. **Drell**. A 4-year-old girl, not a patient, was overheard indignantly shouting at the TV set. "But, Mr. Rogers, I don't want to be your neighbor." A year before, she had loved Mr. Rogers.

A very disturbed 6-year-old boy had nightmares after watching a show on TV. I suggested to his parents that they supervise his viewing and point out repeatedly that the TV programs were not real. This relieved the situation greatly. Several weeks later, the child described to me, in confused but exacting detail, a horror film he said he had seen. When I asked the parents very tactfully why they had let him see this program, they related that he hadn't seen it. Instead, he had heard about it and made up his own plot, which was a reflection of his inner reality.

And, finally, a 1½-year-old was taken—by well-intentioned parents—to a Sesame Street festival, put out by the public broadcasting station. Upon seeing her beloved Big Bird in person, she burst out into tears and had to be taken from the festival.

It is because of such vignettes and my belief that children should not be lumped into some prototype or mass, that I feel it is impossible to state categorically that program-length commercials are good or bad. Such generalizations do a disservice. What is needed is to have careful research on this subject which takes into consideration the differences in children, such as their genders, their intelligence, their developmental stage, their cultures, their socioeconomic status, and their emotional status.

Having stated this, I will end by reapplauding the concern expressed by this bill, and wholeheartedly endorsing the inquiries that it calls for, that will hopefully give us or set in motion the process to give us the detailed information we need to more intelligently guide us in our efforts in helping our children grow.

Mr. **Leland**. Thank you very much, Dr. Drell.

Mr. Danish, I believe it is fair to say that the broadcasters you represent do not think these programs are the same as commercials. At what point, then, does product promotion in programming become commercial content?

Mr. **Danish**. Well, I suppose—is this alive?

Mr. **Leland**. The other mike would be alive, but if you can indulge us, please——

Mr. **Danish**. I should have been suspicious.

Mr. **Leland**. If you could hold that other microphone close to you, that is going into the official court reporter here.

Mr. **Danish**. I think there would be endless confusion if we did not have some kind of reasonably affirmed definition. And I am—although I recognize this is a hard call, I am forced to believe that if one is not asked within a program to buy what appears within that program, you cannot then safely assume that the viewer is going to be immediately exposed to a commercial which says "do buy," or to some other kind of advertising effort that causes him to buy it.

The alternative you have seems to be too difficult for programmers, for legislators, for regulators to deal with. It is going to require such nice attention to detail, such interpretation—what is program content, what is it? There is a bicycle in it, perhaps a recognizable brand of bicycle in some program. Does that represent commercial exposure of a product? I can see someone arguing that it does. And I know that in movies for years, companies used to jockey in order to have their brand of cigarettes or their brand of ginger ale, or whatever, to appear just briefly in a scene. Everybody recognized it for what it was.

What's left out of all this—and I always find it distressing—is some sense that children exist in a much larger world than this little piece of the universe which is confined to their viewing of television programs and/or television commercials. They are surrounded by peers, they are governed by parents and by teachers. The doctor alluded to the differences between kids. There are not only differences between kids, but kids do not stand alone confronting merchandisers. That is not how it is.

When I said in my prepared remarks that those who are least able to defend themselves are most defended, I meant it. What 4-year-old takes his paycheck down and cashes it at the toy store? That does not happen. Things are in people's homes because parents tolerate them in homes, or parents put them in homes. Kids watch inappropriate material made for adults because parents permit that to happen. All kinds of things happen to kids.

Mr. **Leland**. Let me ask you a question at that point, Mr. Danish. To what extent do parents watch those programs?

Mr. **Danish**. It varies tremendously. There are parents who watch them, who do watch television with their kids, who talk with them about children. There are parents who couldn't care less, who let television be babysitter from early, early to late at night.

Mr. **Leland**. Well, those parents who allow for the television to become the babysitter, aren't they allowing for their children to fall prey to this incredible advertising gimmickry and, thus, are then impressed by the child's desire to buy the toy or whatever it is that is being commercialized there?

Mr. DANISH. Well, I don't know how to respond to that, Congressman. I will tell you my own experience, which was when my kids were small, they did not have much alternative, except mine. We did not have in the house what Mrs. Danish and I did not want in the house. Children do not get what they want; they got what we thought was appropriate for them. And they loved programs, and they watched the advertising. Then, it was mostly around Christmas that they saw the toy ads, and they saw lots of them. And they knew that asking for toys was not going to do them any good. They learn that.

Mr. JOHN BRYANT. Are you saying that's because you and your wife were particularly good parents, you prevented your children from seeing what you didn't want them to see, or are you saying that is because this stuff wasn't on the television then?

Mr. DANISH. It was on the television and they could see as much TV as they wanted, so long as they got their school work done. But they could not get stuff because they said they wanted it.

Mr. JOHN BRYANT. But program-length forces were not on the TV then. I assume your children are grownup by now.

Mr. DANISH. Certainly they were not, but there was advertising to children. You are saying that a program-length commercial is a long advertisement to children. They were subjected to a lot of short advertisements. Lots of toys were sold that way, but they were not sold to our kids.

Mr. JOHN BRYANT. But you don't seriously contend that those short advertisements have an equal impact to program-length commercials that are designed by the toy manufacturer to sell their product? Is that your contention?

Mr. DANISH. The program—the commercials in those days were twice the length; they were a minute in those days. They were designed by toy manufacturers to sell merchandise to kids.

Mr. JOHN BRYANT. Twice the length of what?

Mr. DANISH. Of the spots they see now.

Mr. JOHN BRYANT. Of the advertisements they see now?

Mr. DANISH. Now.

Mr. JOHN BRYANT. But a fraction of the length of program-length commercials, weren't they?

Mr. DANISH. Well, you are making an assumption and you are asking me to accept your assumption. I am saying to you——

Mr. JOHN BRYANT. Well, what is my assumption, so we will know what we are talking about?

Mr. DANISH. Your assumption is that the full program is a selling commercial. My assumption is that that is not so. Kids are engaged by the action, by what is happening in those programs; that is what is fascinating to them.

Mr. JOHN BRYANT. Let me ask you this. Well, I will ask on my own time. I yield back to the gentleman.

Mr. LELAND. Mr. Danish, let me ask you a question; when you were a child, did you see commercials on TV?

I'm sorry, there was not TV then.

Mr. DANISH. Thank you, Congressman.

Mr. **Leland**. The problem is that the imposition of television—let me put it in another way. I should not say "imposition," because there are some good things about television. I will readily acknowledge that.

But the intervention of television brought on a whole new nuance when it came to dealing with psychology. And maybe I should reserve this question for the doctor of psychiatry. But television has brought on a whole new dimension in our lives today. And as television progresses, we find that more and more, as we realize the sophistication of advertising, that people's lives are indeed changed by that advertising unto itself. Children, in my estimation—and I am not qualified to credibly give this opinion, but in my estimation, children are more impressed than are adults because they have not been able to develop the sophistication to discern, in many instances, the difference between what is good for them and what is bad for them, in a sense.

Mr. **Danish**. But that is true right across the board.

Mr. **Leland**. Now, when you have the situation where a kid is being babysat by television and that kid watches these programs, and all of a sudden that kid wants this toy and that toy, that kid goes to the parent; and the parent does not necessarily understand what is going on in that program. They might turn it on once or twice and see what is happening there in order to determine whether or not the kid wants a bad toy or a good toy. I'm not so sure—and Peggy, maybe you can address this issue—but I'm not so sure whether the kid knows exactly—whether the parent knows exactly whether the toy is good or bad for them. But because that child impresses upon his or her parent that they want this toy, the parent is not going to necessarily say "you can't have this toy" if the parent can afford to buy the toy just because—because the parent can qualify the program or whatever.

Mr. **Danish**. May I comment on that?

Mr. **Leland**. Sure.

Mr. **Danish**. If parents believe it's OK, and many do and I see nothing wrong with it, that it's OK to buy packet toys of this kind that are modeled after characters of one sort or another, I don't think it makes much difference which toy they buy for their child. They are all very much alike, one way or the other. And if it is their desire to please the child by saying, "Yes, we'll get you the one you want," fine. But if it's not a time to buy a gift, and if it's not a gift they think is appropriate, they're not going to buy it anyway.

Mr. **Leland**. But what do you do to the psyche of the child? And maybe again I'm asking the wrong person this question. But what do you do to the psyche for the child, for future references? Does that child grow up in an environment where he or she then becomes an automatic respondent to an advertiser when they grow up; or are they going to——

Mr. **Danish**. They are cynical by the time they are 7, 8, and 9 years old.

Ms. **Charren**. Can I address part of the set of questions a little bit?

Mr. **Leland**. Yes.

Ms. **Charren**. I think that a lot of these questions, as interesting as the answers may be, are not the point of why I'm concerned. Other people may be concerned for these reasons. I am concerned because we are singling out children for a very peculiar speech use. We are using a public resource, known as the broadcast spectrum, and it is only because we consider it a public resource that we license stations to use it. Otherwise it would be like print or paper manufacturers; there would be no public interest obligation on the licensees. But it is a limited spectrum and all of us cannot go out and run a television station tomorrow if we felt like it because there aren't any left.

And I think the problem is that we use that spectrum for a diversity of speech for adults. Some people think it is not quite enough diversity, but the fact is that there is quite a bit of diversity of speech for adults. And we design for use on that spectrum most of children's television programs; the program part, I believe, to be manufacturers' catalogs. You can look at it like a library, a public library. Because if it is a public resource, there is a public responsibility, and the licensees knew that when they signed on to run a station. They could have gone into the bakery business and they did not. They had that obligation. And that is really why ACT stayed in business for 16 years. Without that public interest hook, I would only be able censor television, not talk about what is missing. And the fact is that I would not have done that.

No. In the library, you have, maybe, some comic books. It's perfectly appropriate that kids learn to read from comic books. You even may have manufacturers' catalogs on the shelves in libraries as a way of teaching what is sold or how to make a manufacturer's catalog. But I suggest that in any library that filled itself full of manufacturers' catalogs, the librarian would be run out of town on a pole. That just is not enough diversity of speech for any audience, or reader. And I really believe that whether the children are more disturbed by advertising speech or less disturbed by it, whether this thing works to sell programming or not. I would care, for example, if they didn't work at all. I wouldn't care if all the advertising agencies and all the manufacturers are making a tremendous mistake with this idea, and that they're spending all this time and money for nothing. Unfortunately, I have more respect for their business acumen than that.

But suppose it just did not work? I would still think the problem is terrible. And I do believe that parents can say no, and I think that is irrelevant. The fact is that I am concerned about the fact that this is doing away with all the other shows in the children's library. We now have a big toy store full of all kinds of stuff, and there is nothing else there. And no matter what you say, that it doesn't work, that it's the parent's problem to get the toys, that the children love the programs, that they're actually good for their emotional development, all that is irrelevant. I think McDonald's commercials can be very good for children's development. I love the one where the waitress is leaning over the counter and saying to a young child, a young black child, so it's one of the few blacks you see on Saturday morning; "Oh, I love your glasses." Now, I think that's a very—what the industry likes to call prosocial message, along with the message to buy hamburgers. It makes every kid who wears glasses feel good. And I feel that children's television commercials can be nifty while they are selling. And a lot of these programs are nifty, too. Even violent, depressing programs can be nifty, too, if my colleague on my left is correct. And I think that is irrelevant to what we are talking about.

Mr. DANISH. I cannot let stand the—but you gentlemen may, of course—the notion that everything is a toy catalog on television. You say that over and over, Peggy, and I'm sure——

Ms. CHARREN. I don't mean everything. I mean only the things I listed in the 45 that are here. I do not believe that Main Street is a program-length commercial. And that is one of the reasons why I got so upset with NBC for not promoting it——

Mr. DANISH. May I——

Ms. CHARREN [continuing]. NBC got together to do——

Mr. DANISH. You know, we keep hearing about the programming as though somehow it were demeaned by the fact that there were objects made which resemble what appear in it.

I searched before I came down here for some example close to home of what this programming can mean. And I turned up in Abilene an example of what happens when you take "He Man" off the air. "He Man, Masters of the Universe," a program which has in it characters who are sold as models and which, I guess, have tanks or something which are sold as models.

The parents of that town rose up and said that this is a program that teaches our children good things. He Man does not resort to force; he never kills anybody; he teaches good lessons to these kids. Put that program back on the air.

Ms. CHARREN. They probably write it down as——

Mr. DANISH. I didn't interrupt you.

Ms. CHARREN. I'm sorry.

Mr. DANISH. I'm not sure you are.

The point I'm making is that to demean these programs by saying what Peggy has been saying is to forget that there are people out there making judgments every day, parents and kids, about whether these are satisfactory programs or not. There are far more programs on the list of those available than are ever going to get on the air or stay on the air because broadcasters are looking on them and saying they're not good, it's not going to serve my folks. The broader the choice they have, the more likely it is that those programs will have what it takes to satisfy communities. And that is something you have to bear in mind because it does you no good to make a deal for a show if you do not get an audience. You cannot sell the other spots at the prices you want to get for them to other advertisers; you lead feed in to the next programs; all sorts of things happen the minute you start making that a factor in buying.

Mr. LELAND. I yield to the gentleman from Dallas.

Mr. JOHN BRYANT. I just want to make a point. The program-length commercials are on the air every single day. "Main Street," the new program that Mrs. Charren had to more or less insist that they advertise, is going to be on once a month, which cannot build a market, cannot build an audience because a once-a-month program does not build an audience. It is a problem in your own industry.

Mr. **Danish**. It probably will cost as much to do that one program, which will not be anywhere near as repeatable as a cartoon, which can be run and run again.

Mr. **John Bryant**. What does that matter?

Mr. **Danish**. To whom?

Mr. **John Bryant**. To the public interest, that it costs as much?

Mr. **Danish**. It makes a difference when one—when one has a responsibility not only to do well, but to do good, and CBS isn't doing that good right now and ABC isn't doing that good right now. There is one network which is, and it helped. It helped Mrs. Charren in the placing of advertisement.

Mr. **John Bryant**. You see, you are talking about all this other stuff. The interest we have is that we want television to serve the public interest. And all of the data that we have indicates that it is getting worse and worse, not better.

Mr. **Danish**. Worse by whose standards, sir?

Mr. **John Bryant**. Well, I do not think it is hard for most people to understand that if you now have program-length commercials on television and less and less educational, informational television programming for children, as our studies indicate, then that is worse. The fact of the figures that I stated in my opening statement, about 4 hours a week on the average in educational, informational programming for children across the Nation, all but 1 hour of which is cartoons. That is where we are today.

Mr. **Danish**. How many hours a week do you feel a child can take of educational programming each day——

Mr. **John Bryant**. Well, let me ask you——

Mr. **Danish** [continuing]. In addition to school and play?

Mr. **Leland**. Let me—if I can take back some of my time, anyway, say to Mr. Danish that there is no way that we can judge that because there has not been adequate programming of good, children's programs on television. We don't know what the saturation point is.

Mr. **Danish**. But we know what the saturation point is in terms of advertisers' support. There are just so many toymakers, cerealmakers, and soft drinkmakers.

Mr. **John Bryant**. That's irrelevant.

Mr. **Leland**. That certainly is irrelevant. The question that we are trying to raise, Mr. Danish, is not the commercial interests that your constituents or your membership might want to realize, but rather what is the responsibility of broadcasters. We are talking about the public spectrum, something that the broadcasters are given the privilege of using. And what is indeed the responsibility of those broadcasters to support children's programming? That's what we're afraid of. The fact of the matter is, that there is not enough of the kind of programming that we want, that ought to be shown. We cannot say arbitrarily what the saturation point is because we just do not know. Even your marketeers do not know what the saturation point is because we have never——

I mean, Captain Kangaroo, for instance, held on for—I forget how long. CBS continued to produce Captain Kangaroo when it was a commercially disadvantaged for them to do so. And, finally, they had to heel, they had to give him to the pressures from the other two networks because——

Mr. **Danish** [continuing]. Stations.

Mr. **Leland**. I'm sorry?

Mr. **Danish**. They're affiliated stations who said we have other people to serve in this market, you know, each of us, in Houston and in Dallas, in Abilene and in Cleveland.

Mr. **Leland**. Absolutely. And you are helping me with what I am trying to say. That is exactly right.

Mr. **Danish**. But it is not as though a program at that hour in the morning was necessarily in the best interest of the total audiences in those communities. We give licensees the power to make decisions. And you have within the FCC and under the law the power to punish them. Now, broadcasters play by the laws as they are, by the regulations as they are, and the public interest standard, unfortunately, gets kind of defined in terms of people's notions about what at any given point in history should be public service.

I have never known a time—we look back at the so-called golden days of children's television. People were not all that happy with it. There were complaints. There wasn't enough of this, there wasn't enough of that. I have heard the argument about animation and live so long, and I have looked back on Hot Hero Sandwich, where NBC spent a fortune trying to put a live show together; they did everything they could, and the thing died like a dog. It could not compete with the competition——

Mr. **Leland** [continuing]. Is precisely what we are trying to say, Mr. Danish; that they couldn't compete. But the fact of the matter is if we would re-regulate television like we probably ought to, through legislation like what Mr. Bryant is trying to push forward in the Congress, possibly we would have at least a minimum amount of standards to pursue our goals with.

The problem that we realize today is that where you might have a notion that wants to be fulfilled through a network or through an independent association of producers or whatever, the fact of the matter is that the competition on the other end of the spectrum is so great that they, too, have to yield to the pressures of that competition. And that is precisely what Mr. Bryant has said earlier. The free marketplace does not necessarily exercise the kind of responsibility that ought to be exercised in this community of networks.

Mr. **Danish**. We have a system, Congressman, that's neither fish nor fowl. On one hand, there is a Communications Act under which commercial broadcasting operates. And it does not make any provision for the financial well-being of licensees. They are left to work that out for themselves. Fair enough; fine.

On the other hand, there is a reservation of power to regulate under the public interest standard, whatever that is at any given point, and that has been many things over the years, as we all know, looking at the history of Federal regulation of broadcasting.

When one says I have no regard for the economic well being of my creature—and commercial broadcasting is a creature of the Congress under the Communications Act. When you say I have no need to consider its economic well-being, what you're saying is that I deny half my child.

Mr. **Leland**. Mr.——

Mr. **Danish**. And I think you cannot put that totally out of your mind.

Mr. **Leland**. We have tred too heavily on this particular aspect of the hearing. And let me now ask Ms. Charren a question or two.

In comments in the press, you have been quoted as being particularly concerned about programs like Thunder Cats, which apparently share toy sale profits with broadcasters. What is your understanding of how much an arrangement works and why do you view it as a real problem?

Ms. **Charren**. Well, one of the things I am most sorry about in the way the FCC handled this question in the first place is that they did not have public hearings. I would like to have on the record what the economic deals are that get these shows on the air.

I have seen quotes that manufacturers brag that the station does not pay anything for the programs, and I have had leaked to me the idea that there is even at times money under the table about these programs. And I think that puts the other stuff at a competitive disadvantage, to say the least.

I think that the other problem with TelePictures' way of solving their economic problems, by offering—and I'm not talking about barter, which afterall is an industrywide phenomenon. I'm talking about giving the broadcaster, at the time the broadcaster makes the program decision as to whether or not to buy the program, the opportunity to participate in the sale of the toy of that product; has the potential for being very badly misused. It may not have had any serious affect up until now because it's only happening a little bit. But at the moment you make that decision, it must be—it would be in mind, if I were a stationowner, what does the toy look like. And if the toy really looked like it was going to be a hulahoop—that's what I use in my house as a "oh, if only I had a hulahoop and could make a million dollars" kind of phenomenon. Or I suppose Cabbage Patch Kids in this day and age. If you thought you were really onto a Cabbage Patch Kid and had the foresight to see where this would go, I suggest you would put that show on the air regardless of what it was like, just for the chance to participate in the sale of that product. If that helps the bottomline, that is a reasonable decision to make.

Now, there is no question that for the most part all of these toys have about an equal future, and that is a bit of a gamble anyway. And, of course, broadcasters will look at what the program says. But it is a process that helps to pervert the public interest standard just a little bit. And since I think this whole idea is that kind of a process, I do not like it. I think that the FCC in the past has commented on how deals are made, and says no to some and yes to others. And I think that this one is——

I also think that we have had the experience of living through an FCC "No" on his problem as a result of the Hot Wheels case. Now, Hot Wheels was a case. In 1969, Hot Wheels and ABC went to Mattel and ABC got together and said, "Hey, we're going to do Hot Wheels as a program," and they put it on the air. Now, I don't think that made a lot of kids' hair fall out. So what? So there's another program on the air that—it's a longer commercial. I am sure that did not have a detrimental affect on the country, no matter what that program was like.

But we said, "We know we shouldn't do that." Do you know who said that? Another toy company. ACT didn't say it, TOPA complained. And why did they complain? They had 30-second commercials, and this program looked like a 30-minute commercial.

What is happening now is that Mattel does it, so Bradley does it. Everybody has to do it, and that is why there is so many of them. There is a competitive imperative in the toy industry to do it. It is not that broadcasters are looking for this kind of stuff. It's that if you are in the toy business and you do not do this, you would probably go bankrupt now.

Mr. **Leland**. I am going to suspend my questions and allow for the gentleman from Dallas to ask his questions because he has a 12:30 flight.

Mr. **John Bryant**. Thank you very much.

I would like to ask Mr. Danish to clarify for me—I assume you acknowledge that there is such a thing as a program-length commercial being put on television today; that is, a program that is conceived with the purpose of promoting the sale of a product in retail stores. You do acknowledge that?

Mr. **Danish**. I am aware of some supermarket promotion things that are program-length commercials.

Mr. **John Bryant**. Supermarket promotions? What do you mean, supermarket promotion?

Mr. **Danish**. Well, the broadcaster goes out to a supermarket—well, not a supermarket, a selling mall, merchandising mall. And there is some kind of deal and all, and the merchants of this new thing buy some spot time. And what you get is an introduction of the new thing. It is maybe a one-half hour long, or 15 minutes long and——

Mr. **John Bryant**. I am talking about what Mrs. Charren is talking about, what we have been talking about all day here.

Mr. **Danish**. I have not been talking about that all day, Congressman. You may have.

Mr. **John Bryant**. But we have. And I was asking you about that.

Do you acknowledge that there are programs for children that are conceived by toy manufacturers and by other people that sell retail products, sell to retail for children?

Mr. **Danish**. I am sure that——

Mr. **John Bryant**. Excuse me. Let me finish my question.

Programs that are conceived for the purpose of selling a product, and that are on the air today; do you agree that those are on the air?

Mr. **Danish**. I would agree that there are programs on the air financed by manufacturers of products looking to popularize their toys by doing that; not to sell them in the programs because they're not allowed to do that, but to popularize them, to make kids like them.

Mr. **John Bryant**. What do you mean not to sell them in their programs because——

Mr. **Danish**. Not to say you can go down and buy this for so many dollars, which is what his competitor may be saying that in that show about his competitor's toy. He cannot get to do that.

Mr. **John Bryant**. Well, popularize; what is the difference between popularize and sell? The point I'm trying to determine is what it is you agree with, or where our disagreement may be.

Mr. **Danish**. The Big Bird was popularized by "Sesame Street."

Mr. **John Bryant**. Let me——

Mr. **Danish**. And it sells very well.

Mr. **John Bryant**. Let me ask my question so we can get down to rock bottom here.

Do you agree that today people who manufacture items for sale to children are themselves creating programs in order to create an interest in those children in buying those products, and putting those programs on the air? Do you agree or not agree?

Mr. **Danish**. I think it's—I don't talk to them so I don't know. But I think it's a fair assumption.

Mr. **John Bryant**. Now let's just stick with my question. My question——

Mr. **Danish**. I said I think it's a fair assumption.

Mr. **John Bryant**. You think that is happening?

Mr. **Danish**. I think it is a fair assumption. But I am concerned about——

Mr. **John Bryant**. No doubt about it. Let's get down to whether it's happening or not. Why do you have any doubt about it?

Mr. **Danish**. Because the word "sell" and the word "made popular" in order to make a commercial elsewhere or in a store display more effective are a little different for purposes of the act, if nothing else.

Mr. **John Bryant**. I don't understand what you are saying. Let me ask my question again. Do you agree that people who manufacture products to sell to children are now creating programs to put on television in order to make children want to go to the store to buy these products? Yes or no?

Mr. **Danish**. No. I think they are putting them on in order to familiarize the children with those products so that when an opportunity comes and they do see a commercial, or they are in a toy store, they will say, "Oh, that's what I want."

Mr. **John Bryant**. Well, what is the difference in what you have just said and what I have just asked you?

Mr. **Danish**. Well, I have committed myself to what I believe, sir.

Mr. **John Bryant**. Well, tell me where we differ.

Mr. **Danish**. You seem to find a difference more than I do.

Mr. **John Bryant**. You answered my question "No," so I do not understand where we differ.

Mr. **Danish**. You know, to say "sell" is like saying does Mobil——

Mr. **John Bryant**. I did not——

Mr. **Danish** [continuing]. Sponsor Masterpiece Theater to sell gas or not.

Mr. **John Bryant**. But I did not say "sell." I said does your——

Mr. **Danish**. You said "sell." That is where we are having the problem.

Mr. **John Bryant**. No; I did not say "sell." So I will say it again for you because I want to pin you down on this to make you say yes or no. If you say no, why.

Do you agree that people are today in the business of selling products in the store to children, are now in the business of making programs which will cause those children to be interested in buying those products in the store?

Mr. DANISH. Well, "buy" is the flip side of "sell," sir. I'm sorry; that's where we have our difference.

Mr. JOHN BRYANT. Well, do you agree with what I have said or not?

Mr. DANISH. I think that is true.

Mr. JOHN BRYANT. You think it is true? OK, thank you.

Mr. DANISH. May I add that my concern is with broadcasters' reasons for selecting programs to broadcast, not with marketers' reasons for financing programming.

Mr. JOHN BRYANT. I am just asking about the origin of these programs. Now, you do agree that these programs are being aired today, do you not?

Mr. DANISH. Some are; some are gone. They come and go.

Mr. JOHN BRYANT. You do agree that these programs are being aired today?

Mr. DANISH. Yes. I said some are.

Mr. JOHN BRYANT. OK. Third, why is it that they do not have these program-length commercials for adults?

Mr. DANISH. They do.

Mr. JOHN BRYANT. Could you name one for me?

Mr. DANISH. Sure. They have real estate programs that are program-length commercials.

Mr. JOHN BRYANT. Name one; name a popular program that is a program-length commercial for adults.

Mr. DANISH. I will submit them to you if you would like.

Mr. JOHN BRYANT. Well——

Mr. DANISH. I don't have the name of it. But it is a fairly common practice.

Mr. JOHN BRYANT. You mean there are shows on TV today where there is a dramatic——

Mr. LELAND. A show like "Dynasty," "Dallas"——

Mr. DANISH. No, no. The shows are much more, much more direct than all that. There are shows where people are shown houses, and taught how to buy houses and how to sell houses, and with people doing the selling——

Mr. JOHN BRYANT. That is not what we are talking about here. You keep——

Mr. DANISH. You're talking about program-length commercials.

Mr. JOHN BRYANT [continuing]. Trying to steer us off this track.

Mr. DANISH. Trying to answer your question.

Mr. BRYANT. I am asking this; are there today programs that are created by people who want to sell products to adults that are put on television in order to make the people be interested in buying those products when they finish watching the show?

Mr. DANISH. Yes.

Mr. JOHN BRYANT. There are?

Mr. DANISH. Yes.

Mr. JOHN BRYANT. Name one for me.

Mr. DANISH. I tell you, this whole genre of retail—of real estate selling.

Mr. **John Bryant**. Do——

Mr. **Danish**. It may not be prime time.

Mr. **John Bryant** [continuing]. Of that real estate?

[Simultaneous comments]

Mr. **Leland**. The gentleman is trying to get to the point that what has been done by the commercializers of these so-called commercial-length programs is that they have interwoven into a particular plot this whole idea of the popularization, as you've put it, of a particular toy. The gentleman is trying to get to an analogy, the same circumstance——

Mr. **Danish** [continuing]. Popularization of that real estate agent that is being done——

Mr. **John Bryant**. I think it is quite disingenious for you to sit here and act like you don't know what I'm talking about.

Mr. **Danish**. This is one of the reasons that if there was any—any interest in program-length commercials to begin with——

Mr. **John Bryant**. Is there a "He Man" program on television for children today?

Mr. **Danish**. You betcha.

Mr. **John Bryant**. And that involves a plot involving the character He Man, right?

Mr. **Danish**. That's right.

Mr. **John Bryant**. And that is in order to sell He Man products at the store, right?

Mr. **Danish**. Right.

Mr. **John Bryant**. Is there that kind of a program for grownups on TV anywhere that you know of?

Mr. **Danish**. I do not know of any cartoon characters like that for grownups, no.

Mr. **John Bryant**. Well, how about noncartoon characters for grown ups?

Mr. **Danish**. Yes, sir. Real estate agents are noncartoon characters.

Mr. **John Bryant**. Well, is the real estate a character in a drama?

Mr. **Danish**. No. He is a character in what turns out to be a half-hour of selling his services as a real estate agent, and the station books it as 30 minutes of commercial because that is what it is, or 15 minutes of commercial.

Mr. **John Bryant**. So you are not talking of programming, you are talking about a commercial.

Mr. **Danish**. No; I am talking about when you buy a house, here is how you ought to do; here are the things to look for, here is what to look for in a mortgage; he is being good, instructive, and what not, but he is doing it because he wants you to come to him, and the station knows that. And he says that is 15 minutes of commercial; I'm going to log it that way. That is a program-length commercial.

And that is one of the reasons this whole program-length commercial business came up in the industry.

Mr. **John Bryant**. Once again, I am asking about the He Man analogy. That is a program where they come forward and say, we're here to sell real estate. That is the purpose of that program, right? That is the obvious stated purpose of the program, to sell real estate, right?

Well, that is not the case with children's programming.

Mr. **Danish**. That is right. That is why I don't think it's a program-length commercial.

Mr. **John Bryant**. Now I'm asking you a question. Do you know of any adult programming where they slip the message into the drama, or slip the message into the series?

Mr. **Danish**. Well, it used to be very popular when advertisers bought programs in their entirety to give them the name of the advertiser—Hallmark Hall of Fame, Kraft——

Mr. **John Bryant**. That is a commercial. We are speaking of programming. Do you know of any instances in adult programming where they involve the product in the drama, in the meat of the programming, so that at the end the viewer is inclined to go out and buy the product? Do you know of anything like that for adults?

Mr. **Danish**. I'm trying to think. It seems to me that there are some that have to do with oil additives and the sponsorship of drag race things, and so on.

Mr. **John Bryant**. Really? What is the name of that program?

Mr. **Danish**. PSP, I believe.

Mr. **John Bryant**. PSP.

Mr. **Danish**. Involved in that sort of thing.

Mr. **John Bryant**. Have you ever heard of any others?

Mr. **Danish**. I'm trying, sir. I came prepared to talk about children's——

Mr. **John Bryant**. Is that program on at the present time?

Mr. **Danish**. I'm sorry?

Mr. **John Bryant**. Is that program on at the present time?

Mr. **Danish**. I have no idea. It is always local, anyway.

Mr. **John Bryant**. Mrs. Charren told us about 45 of these programs for children, and you——

Mr. **Danish**. But I do not believe those are program-length commercials, sir.

Mr. **John Bryant**. Let me finish. She was talking about 45 of these programs for children, and you cannot even name one for adults. Now, why is it that there is not any of those for adults?

Mr. **Danish**. Because adults are not pleased very much with cartoon characters.

Mr. **Leland**. Mr. Danish, wait a minute.

Mr. **John Bryant**. Not cartoon characters. Whether it is cartoons or——

Mr. **Danish**. This is——

Mr. **John Bryant**. No, no. Let me address my question to you. I know——

Mr. **Danish**. I answered you before, sir. I agree that these are done to popularize these figures.

Mr. **John Bryant**. But my question is this; Why don't they do this for adults?

Mr. **Leland**. Would the gentleman yield?

Mr. Danish, come on, be honest with us. We are not talking about using cartoon characters for adults. We are talking about using situations or real people involved in the drama, if you will, or the program for adults.

Mr. **Danish**. I do not know——

Mr. **Leland** [continuing]. Could——

Mr. **Danish** [continuing]. Prime time program that has in it——

Mr. **Leland**. Well, you have said that already. The question is why?

Mr. **Danish**. Maybe we can pick this up.

Mr. **John Bryant**. Why is there not any of that kind of programming for adults?

Mr. **Danish**. I'm sorry?

Mr. **John Bryant**. Why don't they do this kind of programming for adults?

Mr. **Danish**. Well, for one thing, nobody can afford to put on a prime time series.

Ms. **Charren**. What?

Mr. **John Bryant**. What are you talking about? There is a prime time series on for 4 or 5 hours every night?

Mr. **Danish**. But not put on by any one advertiser, not produced by any one advertiser.

Mr. **John Bryant**. Well, let me——

Mr. **Danish**. We are talking about a different kind of money now.

Mr. **John Bryant**. The point is simply this; adults can see through a program-length commercial, can't they? They can figure it out if you run the Marriott Hotel Show, like she was giving us an example of, and say, "Hey, everybody, come to the Marriott Hotel."

Mr. **Danish**. They can figure it out——

Mr. **John Bryant**. Adults figure it out, but the children cannot figure it out, can they?

Mr. **Danish**. But the parents can figure it out when they look at He Man.

Mr. **John Bryant**. Are we talking about parents' TV in this hearing or children's TV?

Mr. **Danish**. Well, sir, we are talking about parents who are there with their kids and saying "put that program back on" when it comes on. They know what it is.

Mr. **John Bryant**. Well, let me just conclude my futile questioning of you by saying that the clear point is that you cannot afford to acknowledge, because of the job you are in to defend your industry; but the clear conclusion any fool could reach by looking at the facts here is that you do not run program-length commercials for adults because they can see through them and realize they are a commercial; but you do for children because they cannot. And that is the scientific evidence of the situation; we have had the data in other hearings. And it is irrefutable.

You are very much like the tobacco industry. The tobacco industry comes to us in Congress and they say, "We have been working and working. We still cannot find a connection between tobacco and cancer."

Mr. **Danish**. I have lost——

Mr. **John Bryant**. You are going to be working for the next 100 years trying to determine whether or not you make program-length commercials or not.

Mr. **Danish**. I just got around to quitting smoking.

Mr. **John Bryant**. Thank you, Mr. Chairman.

Mr. **Leland**. We are going to be here for awhile. So if you do not mind, Mr. Danish, just slow down a little bit.

Mr. **Danish**. Is there any likelihood that I can get a 2:30 plane?

Mr. **Leland**. Two-thirty? Oh, sure. We are not going to hold you up. And that clock is wrong, by the way. It has not been changed since daylight savings time.

Mr. **Danish**. I was looking at it.

Mr. **Leland**. Don't worry. We need you here.

I am now going to say goodbye to my colleague. Have a good trip back.

Mr. **John Bryant**. Thank you, Mr. Chairman. I apologize for leaving to catch an airplane.

Mr. **Leland**. I did it to you Friday.

Now let me—Dr. Drell, don't worry. We are going to get to you. I know you are chomping at the bit over there.

Mrs. Charren, in our Dallas hearing last Friday, one of the broadcast industry witnesses described Thunder Cats as a program with prosocial messages. I know that you are concerned that it sells products to children, but do you really think it is a bad program?

Ms. **Charren**. As a very first amendment-sensitive soul, who is in the business of commenting on television and, therefore, looking very much like other people who comment on television who are trying to get things off the air, ACT very rarely talks about program content per se. We rarely even endorse programs. We do give awards once a year to something like the music on Captain Kangaroo because it was so delightful. But we do not think there is such a thing as a best program for children.

We think children are very different. I really responded to the doctor talking about the differences in children. It is because they are so very different, because the 2- to 11- or 2- to 15-year-old market is so diverse, that we talk about the need for diversity. And I am willing to say, that these programs can be—these commercials, or whatever one calls them—can be all filled with so-called positive messages. I hate it when the industry talks like that because, to me, a program is either terrific or it's terrible, personally, for my viewing. And I find terrific some programs that are filled with sex and a little violence. I much prefer sex to violence.

And sometimes, very negative messages. I think the industry idea that these programs are terrific because the good guy always wins is a little simplistic. I have seen some terrific programs where the good guy does not win. There is a lot, especially in the Robot programs, there is a lot of bad/good. And maybe from a psychiatric point of view, it is very important for the audience when the good guy wins, but sometimes it makes a better program when the good guy doesn't win.

And I am willing to go along with the idea that these are filled with messages that are very nice. And I think that a lot of commercials are filled with delight and messages that are very nice, too. I love Charlie Chaplin in the IBM ads. I really do believe that McDonald's carefully tries to get messages in those commercials, along with the message to sell food, that are very nice. And I think that is totally irrelevant to the problem we are discussing here today.

Mr. **Leland**. Thank you.

Dr. Drell, you testified about the importance of treating children as a special audience and, in fact, H.R. 3216 takes that consideration into account in instructing broadcasters to provide a specific program for children.

Do you feel that program-length commercials serve any useful purpose in meeting the special needs of young children?

Mr. **Drell**. I think in keeping with my talk, I probably would say that is almost impossible to answer. I think probably some of them do and some of them don't.

I am having trouble here today because of my—my personal feeling is that they are not very good for children. And that was not the point of—my presentation.

Mr. **Leland**. Well, you can certainly make a distinction as to when you present a professional opinion and——

Mr. **Drell**. OK.

Mr. **Leland** [continuing]. Present a personal opinion. The record will clearly show that.

And, by the way, the microphone that you are holding in your hand does not project your voice. That microphone is for the recorder. However, when you use that microphone that records what you are saying for the purpose of the record.

Mr. **Drell**. I think it would be better put if you say that as children get younger and younger their ability to differentiate the commercial part from the storyline gets poorer and poorer. And in some kids, it is even more difficult. I think as you get older and older, as people have said, the research shows and my clinical practice shows that children begin to learn discriminating skills. Some do and some don't. And I spend a lot of my time in my clinical practice with children that are unable to separate fantasy from reality. And when you cannot separate those two huge things, it is really difficult to talk about the nuances of these commercials.

As I have been sitting here talking about the nuances here, I was thinking about the fact that abstract thinking, just the ability to take a concept and roll it around in your head does not start for most people—and some never get there—until adolescence. And so when you are talking about a 3-year-old, it is very difficult to think that they would be able to fathom the difference between these.

A couple of other remarks I was sitting here waiting to say. My sense is, if I had to put a good parent, a good set of parents up against a TV show, the parents would win most of the time. That is not what I am concerned about. I am concerned about the fact that television has its effect; and that it most effects those people who can least afford it. And in some way, we are talking I think here about the FCC putting in regulations for certain populations, for children, that are most vulnerable and most at risk.

What I sense from the people that I see in my clinical practice and from surveys is that most of the parents do not watch the TV of their children. In my personal experience, after my son watches 2 hours of TV, I note his hyperactivity goes up. The other thing is that I do have video tapes, but you can tape the good programs as well as the bad. I say, to my son, "Here are 10 programs; you pick the ones you want." So there are things you can do.

My concern also is that the media tends to lump the children. And, really, I would like to have it as the parents' job to censor and regulate the type of TV their children watch. But I find it hard to believe that most parents are going to be educated enough, by the articles that I read from the media, to know the differences. They do not know that 3-year-olds have trouble differentiating fantasy from reality. And in my clinical practice, I constantly come across parents who allow their kids to watch perfectly outrageous pictures, and the kids come in with nightmares and things like that. And they say, well, I just didn't even know. And I say, well, sit in there and say this is real, that isn't; that hurts people, and things like that. And they do and the parents say, "Oh, that helps a lot."

I don't think people that come to see me are that much different. If anything, they are probably of a higher socioeconomic class than a lot of people and are considered to be more educated and have higher levels of education than most of the people.

The other thing, from the long discussion before, I think there was an insinuation in there that educational TV has to be not entertainment. And I think that I would see that as a false dichotomy.

I would also, in keeping with my testimony, say that my child—4½-year-old's favorite toy is a set of blocks, and that's because he puts things from inside of his head into the blocks as opposed to having the toy put things inside of his head. And I think in a sense it is a two-way street; that the kids put something into the play and the outside world puts things into the kid. I think this makes the research very difficult.

Mr. LELAND. Dr. Drell, right here is where we have the problem. I don't mean me, but I mean is where the Members of Congress who are concerned about this issue have a real problem; about what from the outside is being put into the heads of those children as opposed to them transferring their intellectual capabilities or potential, and what it is that they create versus what comes from——

Mr. DRELL. Well, I did not note this part of the inquiry. But I just got back from the American Academy of Child Psychiatry meeting, and they have had hearings on this. Their sense is that when you do research on large populations—and that's another dichotomy. I deal with individuals, I do not deal with populations. The researchers deal with larger populations. And within a larger population, it seems pretty clear. I don't think there is any doubt that TV teaches children things. I do not think that is a question at this point. And then when you get down to what it teaches the children, it can teach them good things or bad things. And the sense is that the diet of what they are usually put on, my sense, my personal sense would be that it is probably teaching them things other than we would want. It is a frightening message for me. The message is that this maybe something society may want to give to its children. All societies give their children myths to grow by.

When I was young, we had Superman. And everybody has their own myths to grow by. And certain cultures are upset that they do not have myths to grow by.

Mr. **Leland**. Do you remember the children jumping off the top of garages and houses, thinking that they were Superman?

Mr. **Drell**. I think so.

Mr. **Leland**. That is what had come to mind when we had talked about this.

Mr. **Drell**. And Evel Knievel and things like that.

And the sense is that I looked back and I said the cartoons I watched when I was little, they seemed in some way simpler. And one thing I wonder about, and it is one of those research projects that is probably too difficult to do, is all this TV preparing our children for the future. And then if you imagine what that future is—sort of a materialistic, very quick one.

One of the things I notice is that I cannot go to movies that last 2 hours now because my mind has just gotten down to watching less and less. And I think that the whole society is speeding up, and it may be that that's one of the saddest parts about this; that maybe these cartoons and this TV is preparing our children for the future.

At the American Academy meeting, one of the discussants brought up a very frightening thought. And that thought was that these TV programs may be sort of conditioning people for future acceptance of violence, acceptance of military actions, and may be doing that. I think that Ronald Reagan said that PacMan was training jet pilots for the future, and that may be true. If that is what you want to project in the future, I would prefer not to project that into the future, and censor my child's TV logic to an extent.

Mr. **Leland**. Let me say this for the purpose of the record; that the Telecommunications Subcommittee is concerned with overall programming, not just children's programming but overall programming. This, however, is a very vital part of that programming that we are most concerned about because it does indeed represent the future. We know how pervasive, how powerful television is and what it does to audiences. And when those audiences are children, particularly when there is a targeted audience with the kind of concentration of programming that we have seen with children, we are most concerned about how that affects the future of our country, how that affects attitudes of children as they grow up, and how they treat their fellow citizens when they grow up. So it represents a real problem.

I had raised an issue of minority programming, the lack of positive roles for minorities. We see a preponderance on television now of blacks in—well, blacks in particular playing comedienne roles, but in the vacuum, there is nothing to compare them to. So we are very very concerned about that and it bothers us considerably.

Mr. **Drell**. And, indeed, you should be.

Mr. **Leland**. Thank you.

Mr. Danish, in 1982, prior to the broadcast deregulation, prior to the FCC—the proposal to develop the first program-length commercial, He Man, was turned down by all three networks. Today, 2 hours after He Man became a hit, the networks are giving—are airing substantial amounts of product-related, Saturday morning children's programming. Now, maybe that suggests a coincidence, but I think in 1982 the networks were trying to be cautious about commercialization in programming content. And now they are not worried about it anymore.

Why are we seeing such an about-face on the part of the industry in terms of what is acceptable to present to our children?

Mr. **Danish**. I am trying to see what I have here that would throw some light on what actually happened.

Mr. Chairman and I have in our day have debated this issue before, and it seems to me we were going around and around about the Smurfs, which turned out to be far too lovable to be critical on. Also, the Monchichi's, who are gone, probably because the dolls were not that popular, but maybe because the program wasn't. Who knows?

Give me just a moment. And I may have a three-network rundown—well, I won't take you—the increase has not been marked, although there has been some. I would—you know, it is really hard for me to answer because I would have to know what lay behind individual program decisions. And those are made for a variety of reasons, the most important of which, in the case of the network, clearly has got to be the popularity of the program. There is no way you can reward a network adequately if you are a toy manufacturer, to compensate it for what might be a smaller audience; and, therefore, the loss of the revenues attendant to the selling of all of the other spots available in the show. The figures are just totally out of balance.

So whether it is, as you say, happenstance or not, I just really cannot tell you. There is no true advantage from a network point of view other than popularity. They can sell the spots they have. If they have to give off spots to the manufacturer, that is an offset against what they would have paid against program in cost. I do not think there is much to be gained that way. And their substantial losses if the programs fail to generate audience are just not worth the risk.

Mr. **Leland**. Wait a minute. Who loses?

Mr. **Danish**. The networks.

Mr. **Leland**. How do they lose?

Mr. **Danish**. If you sell a program, the spots on a program or the rating are, let's say, 5, you can command a network rate of x dollars, whatever it is. If the program is even a half-point less successful in the rating, it will cost you more in your loss of the difference between that 4.5 rating and the 5 rating, translated into sales.

Mr. **Leland**. Would this represent a net loss, though, Mr. Danish?

Mr. **Danish**. Yes, it is a net loss.

Mr. **Leland**. Net loss?

Mr. **Danish**. Net loss; absolutely. Those are simply dollars that won't come in. You see, the leveraging——

Mr. **Leland**. No, no; we are not talking about dollars that will not come in. We are talking about dollars that will be actually lost by the network, not dollars that might have come in if the program had been successful. There is a difference.

Mr. **Danish**. Oh, sure. But it has to be the program that is successful. It is not the merchandising deal that has to be successful.

Mr. **Leland**. I understand all of that. But let's get it straight. From how it was explained to me, if—and whether we are talking about children's television or any other kind of programming, if a program goes on the air—for instance, if there is a pilot that is shown on Wednesday night and the network decides to put that on Wednesday night, and they think that it may have a chance, but that pilot goes on Wednesday night; and the people do not like it, the people do not look at that pilot, the network has not lost a dime. As a matter of fact, the network has made money because somebody had to pay for it to go on television.

Mr. **Danish**. Yes; but somebody would have paid a lot more for a great feature film.

Mr. **Leland**. But the issue is whether or not the network would have lost money. The network made money, but the network did not lose——

Mr. **Danish**. I think you have to look at it in a bigger sense. When a network plans, or any organization, any business plans ahead and looks to the revenues it is going to get, it assumes that for opening its doors in the morning, paying its rent, making sure the insurance is covered, the employees are paid, all the rest of the things attended, that for each item it sells that day it is going to make a certain amount of money. If it makes less, then it is squeezed in paying its rent, in paying the employees and all the rest. If it makes more, it is advantaged.

The same thing is true of a program. When you plan a prime time schedule, knowing what your lead-in is going to be at a given half-hour and all the rest, you have in mind what you are going to be able to get from that time. If you get less, that makes itself felt all the way to the bottomline.

Mr. **Leland**. I understand. But that does not mean that the network lost money. And, also, the——

Mr. **Danish** [continuing]. Network lost money if it was operating dead even. Maybe that is where it got a start. It is not making a nickel, losing a nickel. It will lose money by making the wrong choice of that program that day.

Mr. **Leland**. Well, I am not going to continue on this line of questioning because I think we differ in what we mean by profit and loss.

But let me say this to you, that the network, whoever it is that uses the broadcast air waves, has responsibilities far beyond the commercial interests that they have to respond to in terms of their shareholders or the owners of these interests.

Mr. **Danish**. Absolutely true.

Mr. **Leland**. Do you think that the broadcasters are meeting that responsibility?

Mr. **Danish**. I think——

Mr. **Leland**. I mean honestly, now; just weigh that commercial interest versus the public.

Mr. **Danish**. I think in the main, broadcasters do a superb job. I have been around the world and I have looked at what passes for fine broadcasting——

Mr. **Leland**. No, no, wait.

Mr. **Danish** [continuing]. We're doing fine.

Mr. **Leland**. Wait, Mr. Danish. We cannot compare oranges and apples. We know that this country has the most sophisticated programming and the means of communication than any other country in the world. We already know that.

Mr. DANISH. Well, broadcasters have made this medium the Nation's primary source of news. They have made it its most credible medium. They offer a sports diet, the likes of which would make any of us fat if there were calories in fun. They give us wide diversity of programming. If you look at prime time schedules, other schedules, you will find your variety of things.

Directing yourself specifically to children's programming—and I didn't come here so much to talk about programming—if you look at what goes on in an average home in this country, you will find that there is more programming available for a child to see than there was 6, 7, 8 years ago. It is coming from remote signals; it is coming from cable; it is coming from the independents which have come on the air, which were not there that many years ago. You may quarrel with the content. You may say that's not the programming I would put on the air. Kids applaud it.

Mr. LELAND. Yes, but—I don't know. Maybe Ms. Charren should respond to that because—and that is not her purpose, though. I am not trying to——

Mr. DRELL. Kids will run into the street, too.

Mr. LELAND. Yes. Last night—somebody said that He Man is a good program for kids because in it there is a message.

Last night, I was at an art auction at which I was the guest auctioneer for the Martin Luther King Community Center. And I was talking to a lady after the auction was over with, and I talked about what we were doing here today. She had mentioned that her child had watched He Man. Her child ran into the kitchen and grabbed a knife, was waving it around and said, "I'm He Man, I'm He Man." Now, I don't know how great that is. And I am just saying that where we think programming might be good because the kids love it, the kids also jump off of—when they saw Superman when I was growing up; they saw Superman. And I thought I was Tarzan and I climbed up a tree and tried to swing off vines. I fell on my behind one day; thank God I couldn't climb so high. But I am just saying that although we find programming popular as kids, sometimes those—because it is popular with us does not mean that there is the safest thing.

Mr. DANISH. That is absolutely right. You can take precautions endlessly, and someone may slip through the net. We are talking about millions of children who see programs of this sort. We are not talking about 10, out of whom 1 is at risk. We are talking about millions of whom one may or may not do something he should not do. But we hear about it. We sure do hear about it if 1 child in this Nation of 225 or 240 million people does something that appears to be related to television.

The doctor will tell you that kids do not do really bizarre things unless there is something in them that is going to lead them that way.

Mr. DRELL. Yes; this is never-ending, because what is inside affects what is outside and what is outside affects what is inside. So that is really difficult.

About He Man, as you were talking you made the point that adults—I do not think the average adult is able to really comprehend what is necessarily in essence, good for the child. I have to go to school for years and years, and I am still trying to figure out what the answer to that is.

The second thing is that He Man has that message to it. I am not quite sure—if you look at kids, the kids do not listen to the message. My sense is that that is stuck in for the parents to make them feel good.

And the third thing, as you were saying about He Man, is that I think you can teach good and evil and good versus bad in other ways besides always having people fighting with swords and Battle Cats and things like that. And I think there is a way to meet the developmental needs of children, which I think in some cases these shows do. But there are lots of ways of showing good versus evil, and good versus evil is pretty unsophisticated stuff for adults; although if you think about Rambo and Rocky III there is that still in us because they know—I mean, Sylvester Stallone knows that there are still children inside all of us. And those are all good versus evil scenarios.

But I think there are other ways to get the message across for good versus evil. I guess they do that on Sesame Street and they do that on other programs, and you can get the message across in other ways, I think.

In the point that Peggy Charren was making, that there——

Mr. **Leland**. You must remember that name, Doctor.

Ms. **Charren**. Broadcasters didn't know it before.

Mr. **Drell**. OK. Is that there is a certain—many of the programs are essentially the same with different characters. So I think within that there is that diversity.

I would like to ask the question, which I don't think has been asked—why do the shows fail? I think that would be just as good a question as figuring out what is good for the children, is why they fail. And I have not run across too much research to think of it that way. There really isn't a whole bunch of research. Very rare studies are done on what the effects are. Because research is so difficult to do, it is really hard to do long-term research. We do not know what the effect of these commercials are. They have only been here 2 years. So the people that it is going to affect are now 7 years old. I don't know what is going to happen when they are teenagers, and when they are grown up, what effect there is going to be.

Mr. **Leland**. Peggy.

Ms. **Charren**. I would like to add one point that came to me while we were having these conversations.

The question came up about whether or not the program being a drama, in a sense, is as effective as a commercial, which is targeted as a sales pitch more, maybe, at least more concentratedly; whether the program is as good a sales pitch as the commercial is. Or is it just an identification, addition for the child. And I think it is interesting that some people in the advertising industry itself must believe that the program works very well as a sales pitch because I notice that, for example, Coleco, in its advertising for Sectors—and I do not know if Sectors has or has not had its program yet, although I imagine if it doesn't, it is coming—that Sectors commercials themselves are in fact little dramas. And the set of commercials is kind of a continuing drama featuring Sectors. And if you only saw the commercial, you might very well think you are looking at the program, which I do not think exists yet. But that is the way they have chosen to sell the toy, so that the people who make that decision sure think that these program-length commercials work, because in effect they have made a 30-second program-length commercial—they make the commercials into a tiny, tiny program. And that does not bother me because commercials are commercials. You can do in your 30 seconds whatever you please, short of being very deceptive.

Now, it could be that if I look at these carefully, I will decide that they are more deceptive than a message that is more of a sales pitch. But certainly somebody thinks that kind of stuff sells because that is how they are positioning all of the advertising budgets.

Mr. **Danish**. Well, I don't think that——

Ms. **Charren**. Well, we do have adults, too.

Mr. **Danish**. It is a standard of selling, having a little vignette sometime.

Mr. **Leland**. We understand, Mr. Danish. We are also trying to make the distinction between children who do not have the sophistication to discern versus the adults who do have the sophistication.

Ms. Charren——

Mr. **Danish**. I may not——

Mr. **Leland**. Let me ask Ms. Charren one question that has been sort of puzzling to me.

Can you differentiate between those cartoons that got to be very popular, and then the toy manufacturer decided they were going to go to the producers and say, "Hey, we want to make this"——

Ms. **Charren**. And I think that is an essential question for this set of hearings, this inquiry, the whole set of problems to deal with. Of course, it is very hard to say that you cannot do what we are objecting to, and then say, well, what about Charlie Shultz and "Peanuts," and what about "Sesame Street," and what about other programs that have toys connected with them. What about Shirley Temple movies? I grew up with Shirley Temple movies and I wanted a Shirley Temple Doll, and so did everybody else I knew who was female.

I think the important thing was that those movies were not written to sell dolls, anymore than the Dionne Quintuplets were born in order to sell Dionne Quintuplet lollipops, which I also wanted, at about the same time, I might add. The licenses from the Dionne Quintuplets were incredibly profitable to a whole lot of people.

I think when something is popular and sells its products that that is the capitalist system working the way one would expect it to work. And the important thing is that when Charlie Shultz does his cartoon, he has something to say. And if he says it in such a way that everybody wants to listen to it and eventually wants to buy all those products, I think that is OK. I think that you can say, well, Peggy, where does it stop; and, after all, when you see the show, you know that there is all that stuff in the store. I think it is not a perfect world, but at least you know that the people writing the thing, the people who are talking, for the most part, had something to say before they even thought of products.

But that is different from commercials. It is very different from commercial speech, where the advertising agency deals with the manufacturer and says, now, how can we pitch this thing in another context; how can we get the message into the supermarket. And when they dreamed up this idea of children and programming, it was just a breathtaking opportunity. But the need to sell overcomes the opportunity that exists along with it to say something. And the fact that it is commercially organized and commercially controlled is what is the matter with it.

Something came up here about where the control is—where you deal with it. You can say the effect on the child is the same, even, but the effect on a communication systems is not the same. I think that there are a few programs that we can point to for adults—there is a real estate program for example. And we used to say, "good grief, that's a commercial," and then try to decide why it is different from somebody touting their book on the "Today Show." It is where the deals are made that it is different. It is not that there is nothing on the air that sells—look at MTV. That is just a whole big promotion. That may be on cable now, but it is moving into television.

Mr. **Leland**. It saved the recording industry.

Ms. **Charren**. That is right. But the thing is where the control is and who is organizing the speech, and whether it is prosocial or not in the end is irrelevant. You do not want all the speech on television controlled by the people who manufacture. When I listened to the "Telephone Hour" when I grew up, it was not full of telephones except in the commercials. It was full of music that I cannot remember now, but it was not full of telephones. And that is very different. That identification of the advertiser with a program, to let the people know that they care about the audience out there, was not a sales pitch.

Mr. **Leland**. Mr. Danish and then Dr. Drell.

Mr. **Danish**. If it were true that the decision of what went on the air were in the hands of marketers and not in the hands of broadcasters, I would find it very difficult to sit here and defend a programming practice which, in effect, skirted the broadcaster. But that is not the case. What we have instead is a situation in which, over years, increasing limitations on the kind of advertising you could do to children, on the size of the child audience, the demand for age specificity, which are beginning to complicate life, all of these things came together. More stations are on the air now who are looking for alternative programming, among them are independent stations, who clearly were seeking what the network affiliates were not running in late afternoon. And you have a confluence of events; as a consequence of which some pretty creative financing has been done. A barter system had long been in place, and you understand that. And barter came along with children's programming.

But there is so much of it that there is still no decisionmaking power as far as what goes on the air is concerned, in the hands of a marketer. He can make a program, or propose to make a program, but he cannot get it on the air unless he is prepared to reward the broadcaster not only in terms of buying his time, but if it is a really rotten program, he would have to offer to compensate him for the loss of audience he would have in the ensuing programming. That is just not going to happen. That is not the reality of this marketplace.

What we are complaining about now is that we have too much, but we got it because it is possible for producers and toy makers to get together for the purpose of the toy maker and hope that they can suit the purposes of the broadcaster. If they cannot suit his purposes, he has lots of ways to turn. There is lots of stuff out there for him to pick and choose among. If a show does not offer the promise of a "He Man," he looks for something else instead.

So the choice you must be interested in is whether the broadcaster is acting responsibly, and, if so, does he produce what you consider good programming.

Mr. **Leland** [continuing]. By the fact that the marketers out there do not have the influence to put what they want on television. And I am not just talking about in children's television; I am talking about the whole gamut. You cannot tell me that the beer and wine people do not have influence with the networks about what they want to see in athletic programs and things, athletic events shown on television. You cannot tell me that; we already know better than that, Mr. Danish.

Mr. **Danish**. I am not aware of that.

Mr. **Leland**. Well, you need to read some of the things we have been privy to.

Ms. Charren, did you want to respond?

Ms. **Charren**. No.

Mr. **Leland**. Dr. Drell.

Mr. **Drell**. I guess as I drive around the United States, my concern would be that all the cities look alike. And I am worried about the same thing happening with children's TV; that it's because of that that everyplace has the same fast food places, everything looks alike, everything has the same billboards. And I think that is one thing I would worry about.

The other thing I was thinking about is trying to find out examples; you know, like reading Rainbow could be seen as a full-length commercial to sell that book. Except I have the sense, in reading Rainbow, that somebody thought very carefully to pick the book. And I know that Mr. Rogers has studied extensively in psychology, has children of his own; uses very well-known psychologists, and thinks about how to teach good versus evil in certain ways that are perhaps more advantageous in the long run than like He Man, which deals with good versus evil, too.

So I guess in the spirit of the FCC ruling, I guess I would be on—after saying good versus bad, I would like to be on the side of the people who thought carefully about what is good for our children, as opposed to make decisions based on other things besides really what is good for the children. And I think it is a fundamentally different thing to say, this would be good for a child, as opposed to, let's do this thing that might be good for a child because it will sell a product. And I think that that is a nuance, but it is a very important nuance. And I would like to have the adults in the United

States really concerned about children foremost, more than the monetary issues that come from children.

Mr. **Danish**. I would love to have the parents in the United States have some concern about what their children watch. We have tried for 25 years to engage the attention of parents in the television that their children watch, to help the kids use it constructively. Peggy has worked very hard to do the same thing.

I will tell you, folks, it is hard going.

Ms. **Charren**. I agree that it is hard going to get the Nation's parents to pay enough attention to children's television, and that certainly is a responsibility of parenting. And ACT does say that. It is hard for all the same reasons all kinds of parenting problems are hard now; so many single parent families, so many parents working. There are so many problems for so many families that children's television sometimes goes down on the totem pole, a kind of triage of family problems. But that will always be an important part of this equation.

ACT very often says to parents when they want to organize censorship statutes at the street corner—hey, you've got to turn it off if you don't like it, and you've got to turn on something that will make you feel good about what your child is watching, and make your child feel good. But if there is not enough choice, we think that is a communication system not working properly.

When I started in 1968 to talk about the need for children to be part of that public interest responsibility, we were talking about choice for families; choice for all kinds of kids. And that is why we talked in part about the need to serve minority audiences, the need for everybody not to look white, the need for everybody not to be rich; the need for differences because everybody is so different.

And I guess that part of my concern with this programming grows out of the fact that it minimizes differences. It is all animated and not, I might add, the kind of animation, unfortunately, that wins prizes at film festivals. It is all animated because it is hard to make a live program out of a toy. They animated Rubic's Cube, and I thought maybe it would be kind of a math program. But they put legs, great funny-looking legs and arms and a head. And I don't know anybody, a child or adult who liked that program. And Roy is right; when something is that bad it does go off the air.

But it minimizes the diversity of animation and of live versus animation. It minimizes the subject matter. If you have toys, bears, dolls, and games, that is what you have on the air: toys, dolls, and video games.

Mr. **Danish**. Hold the fort, hold the fort.

Ms. **Charren**. And programs——

Mr. **Danish**. Hold the fort.

Mr. **Leland**. Mrs. Charren has——

Ms. **Charren**. You spoke about being interrupted, and it is my turn now.

Mr. **Danish**. OK.

Ms. **Charren**. In those programs, there is no question, you can say lots of things. And some of those things can be extraordinarily constructive, and there are, even in the advertising industry, some writers who manage to write creative and even wonderful commercials. And I agree that some of these so-called program-length commercials seem to be more delightful than some of the editorial programs. And I still think that that is beside the point.

But I think if choice is what you are into, this is not a system that produces the choice that I think the public interest standard demands.

Mr. **Leland**. Mr. Danish, do you want to respond?

Mr. **Danish**. Well, I simply wanted to say that although the load of toy advertising during this time of year begins to increase, during the course of the year there are all kinds of advertisers in children's programming. I wish there were more kinds, but clearly, you cannot sell them clothing, you cannot sell them cars, and you cannot sell them gasoline; there is a lot of stuff they do not buy. But they do sell them Campbell soups, and they do sell them cereals, they sell them soft drinks, and they sell them—even chicken, the brand of Holly Brown's chicken, if you will; then on CBS, Dungeon and Dragons.

I had a list for—what was it—October 26. And there was about half and half, these Levi jeans.

Ms. **Charren**. Those are the—I think he may have misunderstood me. I mean diversity in the program subject matter.

Mr. **Danish**. Oh, I'm sorry. I thought you meant on the commercials.

Ms. **Charren**. No, no, no.

Mr. **Danish**. Excuse me; I withdraw it Peggy.

Ms. **Charren**. OK. And I agree that there is more diversity in that, in the commercials. I am talking about what happens to the program content.

And I think it is interesting that I read somewhere that with the development of Videotex, which is another way of using alternate technology, Ogleby Mather is in the business of designing creative ways to have what looks like programming. For example, "The Honeycomb Kid," and there was a whole lot of what sounded like program ideas that were based on food at this time, which is a way of getting the food manufacturers into this peculiar process.

Mr. **Leland**. Like Flintstone vitamins.

Dr. Drell.

Mr. **Drell**. Just ironically, I just say that if you look at what we have done today, you can see quite clearly how the adults are getting confused between what is an advertisement, what is an advertisement in the show and what is not the show, and what is fiction and what isn't. And if all of those intelligent adults are having trouble, you can imagine what the children are doing.

Mr. **Danish**. Comprehension, not understanding.

Ms. **Charren**. Semantics, semantics.

Mr. **Drell**. Well then, I will speak for myself. This is very confusing to me. And I do not spend all my life dealing just with these nuances, and it is very confusing.

Mr. **Leland**. If you think it is confusing to you, you should sit in a body of 535 Members of Congress and have to deal with all of the issues that confront us everyday and then refine those issues down to children's programming, if you will, or the program-length commercials that we have dealt with today.

We are going to end the hearing now.

Let me advise for the purpose of the record that TelePictures Corp. was invited to come. For whatever reason, they are not here today, but they have submitted testimony for the purpose of the record. We want to thank them for that.

I want to thank all of our witnesses for appearing here today. You have given invaluable input. This will be a part of the bigger record, of course, as we continue our hearings on this very important issue of children's programming. I think that we have accomplished a lot today, and I really appreciate all those in attendance.

Thank you very much.

[Whereupon, at 12:42 p.m., the subcommittee adjourned.]

[The following statement and letter were submitted for the record:]

Prepared Statement of
Richard T. Robertson
Executive Vice President
Telepictures Corporation
15303 Ventura Boulevard
Sherman Oaks, California 91403

Submitted to the
Subcommittee on Telecommunications,
Consumer Protection and Finance
of the
Committee on Energy and Commerce
U.S. House of Representatives

October 28, 1985

I am pleased to submit this statement on behalf of Telepictures Corporation, a television program syndicator and producer headquartered in New York City.

I am Executive Vice President of Telepictures. As such, I have been and continue to be responsible for the domestic marketing of all Telepictures' programs, including the 1985 first-run children's animated series called "ThunderCats."

Telepictures has a particular interest in the issue of children's programming. As members of Congress and the FCC have emphasized, there is a strong need for more high-quality children's programming. Telepictures appreciates this opportunity to summarize its experience in this area and specifically to address concerns as to the development of first-run children's television programs.

As set forth more fully below, Telepictures strongly believes that innovative program financing techniques, which may include revenues from toy licensing, have facilitated production of costly new children's programs in the public interest and have encouraged participation by stations in high-risk untested programming efforts. We believe that any effort by the Congress to limit such financing arrangements would be contrary to the public interest.

* * *

Since 1984, Telepictures has produced or planned a number of costly new children's programs. In September of this year, the first of those programs, "ThunderCats," an animated series consisting of jungle cats portraying original "superhero" characters, went on the air and in only two months became the second-highest-rated show in Monday-Friday syndication nationwide. In 1986, Telepictures plans to air SilverHawks, a children's space adventure, followed in 1987 by another animated series called "The Comic Strip."

All of these shows offer pro-social messages and are designed to address the special educational and emotional needs of children. For each program, Telepictures has retained Dr. Robert Kuisis, a noted psychologist, to work with the show's authors on all scripts to ensure that each episode reflects a sensitivity to children's special developmental needs. Producers of SilverHawks are collaborating with scientists at the Hayden Planetarium in New York City in order to present instructional segments during each program devoted to questions and answers about the solar system. Although still in development, "The Comic Strip" also is designed to focus on special needs of children and include live-action segments entitled "Job Squad" which instruct children about a given job and how one prepares for that job.

Telepictures determined that an investment of approximately $15 million would be necessary to finance the production and distribution of each animated half-hour children's series.

Because of the high anticipated costs, Telepictures in turn decided that a profit-sharing and barter arrangement was necessary to secure station commitments to each series more than a year before the series would air and to provide a basis for financing actual production of each series. Unlike a major television network or producer, independent producers like Telepictures cannot spread the risks of producing original programming over a vast number of shows. In cases such as "ThunderCats," where Telepictures' production costs comprised a substantial segment of total shareholder equity, up-front commitments to share the risk have been and will continue to be absolutely necessary to get the program underway. Accordingly, Telepictures devised a financing arrangement pursuant to which the broadcaster was offered the programs in return for the station's commitment to air a certain number of commercial announcements supplied by Telepictures over a three-year period (i.e., on a "barter" basis). In addition, stations were given the option to share in net profits from distribution of the program, including net profits from program-related merchandise, or to receive a higher percentage of the net profits derived from distribution of the program, exclusive of merchandising rights. In response to this offer, a sufficient number of stations promptly committed to take the program to make production financially feasible.

There is nothing unusual or harmful about the terms of such an arrangement. It is simply representative of an increasing number of innovative financing arrangements used to promote and finance first-run syndicated programming. See Television/Radio Age, Oct. 10, 1983, at 1. In 1984 alone, an estimated 70%-75% of new children's syndicated programming was sold through barter arrangements. See Sobel, Barter, New Indies, LPTV Brighten Kids Picture, Television/Radio Age, Aug. 15, 1983, at 41.

Given the downside risk for station's committing to untested and original children's programs which are not based on pre-existing merchandise or prime-time network program characters, the arrangement offers stations a way to share in the "upside potential" of new programming ventures while giving producers assurance up-front that their costs will be covered at least in part.

Telepictures submits that any regulatory or legislative policy that interfered with such innovative financing mechanisms would reduce the incentive to produce original programs and diminish the opportunity for more and diverse kinds of children's programming. Indeed, the mere initiation of an FCC study mandated by Congress could deter stations from committing to participate in the development of costly new children's programs.

At the same time, Telepictures submits that these financing schemes do not distort a licensee's independent programming judgment. The fact that a licensee may share in merchandising profits does not cause the licensee to violate his duty to provide programming in the public interest or motivate him to select programming simply because of the financing arrangement. In cases such as "ThunderCats," the program has strong entertainment and social value that merit selection of the show, regardless of the merchandising possibilities. The same incentives that impel traditional programming decisions -- program quality and anticipation of high ratings -- thus are controlling in these cases as well.

Under Telepictures' financing arrangement, profit-sharing revenues, whether or not they include merchandising rights, are, in any event, merely a "drop in the bucket" compared to the loss in advertising revenues a station would suffer under the barter aspect if its faith in the program proved to be misplaced. The possibility that "ThunderCats" merchandise might be profitable even if the program were unpopular is not sufficiently compelling to prompt stations to risk the loss of three years of advertising revenues from the barter spots given to Telepictures in exchange for the program. It is the merit of the program concept and not potential for revenues that sells Telepictures' programs to licensees.

Based on this experience, Telepictures believes that prohibiting its innovative financing arrangements would do nothing but jeopardize the amount and quality of original programming for children. In the last two years alone, this innovative financing arrangement has allowed Telepictures to spread its risk in order to produce three new children's programs at a time when virtually no other children's programs, except for re-runs and off-network products, are available. Rather than promoting new high-quality programming, efforts to cut back or regulate financing methods designed to allow stations and producers to share the rewards and the risks would jeopardize future production of children's programs and intrude into financing arrangements better dictated by the marketplace. Moreover, children's programming, especially by independent stations, could potentially be limited to material developed under the traditional network system and/or programs based on pre-existing successful merchandise.

Both network and independent producers must be encouraged to produce more and better quality children's programming. Telepictures submits, however, that interfering with innovative financing arrangements would not achieve that result.

TMA
TOY MANUFACTURERS OF AMERICA

October 30, 1985

The Honorable Timothy E. Wirth
Chairman, Subcommittee on Telecommunications,
Consumer Protection and Finance of the
Committee on Energy and Commerce
Rayburn House Office Building, Room B-331
Washington, DC 20515

Dear Mr. Wirth:

The Toy Manufacturers of America (TMA) appreciate the opportunity to submit comments on the Children's Television Education Act of 1985 (HR 3216). TMA is a trade association, founded in 1916 and is made up of manufacturers and importers of toys and games. It represents manufacturers and importers who supply about 90% of all the toys and games sold at retail in the United States.

We will confine our remarks to the second issue addressed by this legislation - that "in which program planning and production incorporate marketing efforts designed to promote products to children" (the quoted statement is taken from the invitation sent to us).

First, let me comment on the phrase "program length commercials" which is contained in the Bill. The legislation is designed to direct the FCC to inquire into the quality of television directed at children. The use of the heading "Program Length Commercials" suggests that the authors have already decided that these shows are indeed commercials without the benefit of an inquiry. The term "program length commercials", was made up by one of the leading critics of advertising to children - a critic whose original thrust was to ban all advertising to children, but an idea that was not supported by the Federal Trade Commission or the Congress. It does not seem appropriate to have this particular phrase included in legislation.

On April 11, 1985, the Federal Communications Commission voted 4-1 to deny action for Children's Television's request to prhibit profit-sharing arrangements in broadcasting children's programming. The FCC said there was no evidence that profit-sharing was anything more than an alternative method of program financing and distribution. Also, ACT did not present any evidence to show that "Thunder Cats" (the animated children's series cited in the petition) had any adverse consequences for its viewers. The Commission said "it felt the profit-sharing arrangement is an innovative technique to fund children's programing. Such financing is advantageous to the continuation and growth of children's television offerings which is clearly in the public interest." It appears to me that the proposed legislation is asking the FCC to go over the same ground.

the toy industry trade association
200 Fifth Avenue New York, N.Y. 10010 (212) 675-1141

The practice of licensing products between the entertainment business and the toy and other industries is nothing new. Years ago, products were developed from radio and movie cartoons. Mickey Mouse cartoons spawned watches, T-shirts, sand pails, lunch boxes and the like. The Lone Ranger, on radio, created toy six shooters, masks and toy figures, as well as selling Silvercup Bread. Elsie, the Cow, a newspaper, magazine, billboard and label character sold the idea of drinking milk to be healthy but also became a World's Fair figure, a cartoon, and a celebrity. Dick Tracy is a daily cartoon, a comic book, a pair of handcuffs, a car and a whistle. There are innumerable examples.

When television entered our culture, the commercial world simply extended the same practices available through radio, print and movies into the new medium. The Mickey Mouse Club, generally accepted as good television fare, was all about Mickey Mouse. Was this a "program length commercial" for Disney products - movies, watches, cartoons, comic strips, ears?

Peanuts became a popular comic strip. The Peanut characters, and especially Snoopy, became household names, translated again into products of all sorts. Then, Charlie Brown specials were developed for television, shown on prime time, and generally considered good entertainment for children. Are these program length commercials for the plethora of Peanuts products?

Another interesting part of our leisure world is the growth of the theme park. Disney is the most widely known of the theme parks where children and adults enjoy hours of entertainment with shows' characters, music and participation interspersed with commercial activities of all sorts. Is Disneyland a six hour commercial?

The American tradition of holiday parades could also be extended into this discussion. The famous New York Thanksgiving Day Parade is heavily involved with depictions of cartoon and comic strip characters, TV celebrities, and others closely allied with products. Mickey Mouse, Cabbage Patch Kids, Garfield, Raggedy Anne and others, I am sure, will be there. Are they selling products to children, or are they offering entertainment because they are imaginative, fun and recognizable?

In summary, well known characters, whether real or fictional, once they have captured the imagination and interest of the public, are often used to move from one entertainment vehicle to the next. Products have become movies, records, books, cartoons, TV shows and even other products. The original characters have also been translated into any number of products. Which comes first appears to be pretty unimportant. What is important is whether the character is interesting to the public, whether the product is perceived as a value, and whether the show, comic strip, theme park and so forth is entertaining.

The shows which are seen on television are certainly commercial endeavors in the classic sense. Writers, animators, and producers all risk both creative and financial resources on the success of the show. The television stations must sell commercial time to support their employees, plant and equipment and investors. Advertisers risk financial resources on both their products and the cost of advertising. All are at risk with the final decision maker in the free enterprise system - the viewer and the consumer. All recognize that the risk is high because of the extreme competitiveness of the system. All also recognize that the consumer benefits from this system by having both the lowest cost and the greatest selection of both product and viewing entertainment than anywhere else in the world.

While there is certainly room for improvement in television, one only has to look to other countries, especially those with substantial government involvement in programming, to know that that American viewer, both child and adult, has by far the best opportunity to freely select programs to meet their viewing tastes. It does not appear to be necessary for our government to further involve itself in this area.

Thank you for the opportunity to make our views known.

Yours very truly,

Douglas Thomson
President

DT/tk

cc: The Honorable John Bryant
The Honorable Mickey Leland
The Honorable Frank R. Lautenberg